

INDEX (AS OF NOVEMBER 2007)

Numbers and letters in parentheses refer to:

- (a) Section numbers of the *Ohio Revised Code* for Statutes, as (3335.01);
- (b) Rule numbers and paragraph ranking of the *Bylaws of the Board of Trustees*, as (3335-1-01) (A);
- (c) Rule numbers and paragraph ranking of the *Rules of the University Faculty*, as (3335-3-18) (A).
- (d) Rule numbers and paragraph ranking of the *Bylaws of the University Senate*, as (3335-17-01).
- (e) Rule numbers and paragraph ranking of the *Code of Student Conduct*, as (3335-23-01).

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(AS OF MAY 15, 2007)

STATUTES
Chapter 3335
Ohio State University

3335.01 "The Ohio State University."

The educational institution originally designated as the Ohio agricultural and mechanical college shall be known as "The Ohio State University." The leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agricultural and mechanical arts.

3335.02 Appointment of trustees; term; student members.

(A) The government of the Ohio state university shall be vested in a board of fourteen trustees in 2005, and seventeen trustees beginning in 2006, who shall be appointed by the governor, with the advice and consent of the senate. Two of the seventeen trustees shall be students at the Ohio state university, and their selection and terms shall be in accordance with division (B) of this section. Except as provided in division (C) of this section and except for the terms of student members, terms of office shall be for nine years, commencing on the fourteenth day of May and ending on the thirteenth day of May. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term or more than six years of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall not receive compensation for their services, but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties.

(B) The student members of the board of trustees of the Ohio state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 14, 1988 and shall expire on May 13, 1989, and the initial term of office of the other student member shall commence on May 14, 1988 and expire on May 13, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C)(1) The initial terms of office for the three additional trustees appointed in 2005 shall commence on a date in 2005 that is selected by the governor with one term of office expiring on May 13, 2009, one term of office expiring on May 13, 2010, and one term of office expiring on May 13, 2011, as designated by the governor upon appointment. Thereafter terms of office shall be for nine years, as provided in division (A) of this section.

(2) The initial terms of office for the three additional trustees appointed in 2006 shall commence on May 14, 2006, with one term of office expiring on May 13, 2012, one term of office expiring on May 13, 2013, and one term of office expiring on May 13, 2014, as designated by the governor upon appointment. Thereafter terms of office shall be for nine years, as provided in

division (A) of this section.

3335.03 Style and power of trustees.

(A) The trustees and their successors in office shall be styled the "board of trustees of the Ohio state university," with the right as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering it at their pleasure.

(B) Except as specifically provided in division (A)(2) of section 2743.03 of the Revised Code, the court of claims has exclusive, original jurisdiction of all civil actions against the Ohio state university board of trustees.

3335.04 Officers of board of trustees.

The board of trustees of the Ohio state university annually shall elect one of their number chairman, and in the absence of the chairman, elect one of their number temporary chairman. It also may appoint a secretary, treasurer, and librarian, and such other officers as the interests of the college require, who may be members of the board. Such appointees shall hold their offices for such term as the board fixes, subject to removal by it, and shall receive such compensation as the board prescribes.

3335.05 Bond of treasurer; approval.

Before entering upon the duties of his office the treasurer of the Ohio state university shall give bond to the state in such sum as the board of trustees determines, but not a less sum than the probable amount that will be under his control in any one year, conditioned for the faithful discharge of his duties and the payment of all moneys coming into his hands, the bond to be approved by the attorney general. Such bond shall be deposited with the secretary of state and kept in his office.

3335.06 Meetings of the board; quorum.

Meetings of the board of trustees of the Ohio state university shall be called in such manner, and at such times as the board prescribes. The board shall meet at least three times annually, and at such other times as necessary for the best interest of the university. A majority of the board present at any meeting constitutes a quorum; but a majority of all the board shall be necessary to elect or remove a president or professor.

3335.07 Annual report of trustees.

In its annual report the board of trustees of the Ohio state university shall state:

(A) The condition of the university;

(B) The amounts of receipts and disbursements, and for what the disbursements were made;

(C) The number of professors, officers, teachers, and other employees, and the position and compensation of each, the number of students in the several departments and classes, and the course of instruction pursued in each;

(D) An estimate of the expenses for the ensuing year;

(E) A statement showing the progress of the university, recording any improvements and experiments made, with their costs, and the results;

(F) Such other matters as are useful. The president shall transmit by mail one copy,

respectively, to the secretary of the interior and the secretary of agriculture of the United States, and to each of the colleges which are or may be endowed under the federal act known as the "Agricultural College Act of 1862."

3335.08 Board may adopt rules and regulations.

The board of trustees of the Ohio state university may adopt bylaws, rules, and regulations for the government of the university.

3335.09 Election of president and professors and teachers; course of instruction.

The board of trustees of the Ohio state university shall elect, fix the compensation of, and remove, the president and such number of professors, teachers, and other employees as are necessary; but no trustee, or his relation by blood or marriage, shall be eligible to a professorship or position in the university, the compensation for which is payable out of the state treasury or a university fund. The board shall fix and regulate the course of instruction and prescribe the extent and character of experiments to be made at the university.

3335.10 Supervision and control of property and expenses.

The board of trustees of the Ohio state university shall have general supervision of all lands, buildings, and other property belonging to the university, and the control of all expenses therefor, but shall not contract a debt not previously authorized by the general assembly.

3335.11 Board of trustees may grant highway easements to county and state.

The board of trustees of the Ohio state university on behalf of the state may grant highway easements to the board of county commissioners of Franklin county and to the department of transportation for highway purposes.

3335.13 Title for lands vested in state; title to investment properties held in trust by board.

The title for all lands for the use of the Ohio state university shall be made in fee simple to the state, with covenants of seizin and warranty, and no title shall be taken by the state for the use of the university until the attorney general is satisfied that it is free from all defects and encumbrances. The title in properties, real and personal, purchased by the board of trustees as an investment, and held in the university's endowment portfolio shall not be vested in the state, but shall be held in trust by the said board.

3335.14 Attorney general the legal adviser of board.

The attorney general shall be the legal adviser of the board of trustees of the Ohio state university. He shall institute and prosecute all suits in its behalf.

3335.15 Colleges of medicine and dentistry.

The board of trustees of the Ohio state university may:

(A) Create, establish, provide for, and maintain in said university a college of medicine and a college of dentistry. No state funds shall be paid to such college of medicine unless it meets the requirements of section 3333.11 of the Revised Code.

(B) Negotiate for and receive conveyances and transfers of property, both real and personal, to be used by said colleges;

(C) Accept the students now in attendance at any college of medicine, dentistry, or

pharmacy whose property is so acquired, with the rank and standing as certified by the proper officers of such college;

(D) Take such steps as are necessary to protect the professional rights of the alumni of such colleges and their predecessors;

(E) Receive from such colleges such papers and records as are necessary for that purpose.

3335.15.1 Alcoholism research.

There is hereby established within the college of medicine of Ohio state university, a research program in alcoholism. In order to carry out such program, the college of medicine is hereby empowered to:

(A) Make studies and investigations concerning causes of alcoholism, practicable methods of prevention, effectiveness of different methods of care and treatment, and encourage, direct, and coordinate research in the field of alcoholism;

(B) Establish and operate, or contract for facilities within the limitations of available funds, for the examination, evaluation, treatment, rehabilitation, and care of alcoholics.

3335.16 University extension division.

The board of trustees of the Ohio state university shall establish and organize a university extension division for the purpose of carrying on educational extension and correspondence instruction throughout the state. The board may carry on such extension work in connection with any department of the university, for the purpose of the development throughout the state of centers for the discussion, consideration, and investigation relative to the mining, manufacturing, engineering, social, industrial, economic, medical, and civic interests of the state and all other public interests which may be in any way promoted or subserved in the spreading of information throughout the state by any department of the university pursuant to the grant by virtue of which said university was established.

3335.17 Purposes of division.

The board of trustees of the Ohio state university, through the university extension division, shall encourage communities to organize for the purpose of social, educational, scientific, and recreational advantage, and shall co-operate with them and in every way contribute to the efficiency of the efforts of such community for these purposes. To this end, as far as practicable, the extension division shall be placed at the service of educational, industrial, or civic institutions, organizations, and associations, and shall invite their active co-operation in matters relating to the civic, scientific, economic, and social welfare of the citizens of the state.

3335.18 Questions of public interest.

The board of trustees of the Ohio state university may carry on, under the supervision of the university extension division, such discussions, investigations, experiments, and demonstrations as it deems advisable for the improvement of the engineering, mining, manufacturing, social, medical, scientific, industrial, economic, and civic interests, and such other public interests of the state as may in any way be promoted or subserved by any department of the university, and for such purposes it may provide traveling instructors and conduct correspondence instructing and teaching. Any common carrier may carry persons employed in such demonstrations, experiments, and discussions, and the equipment therefor, and the traveling lecturers and instructors provided for in sections 3335.16 to 3335.18, inclusive, of the Revised Code, free, or at reduced rates.

3335.19 Collection of specimens in mineralogy, geology, and natural history.

The board of trustees of the Ohio state university shall secure and keep in the university

a collection of specimens in mineralogy, geology, zoology, botany, and other specimens pertaining to natural history and the sciences. The president of the university shall collect and deposit in the collection in the manner directed by the trustees, a full set of specimens as collected by him and his assistants, together with a brief description of the character thereof, and where obtained. Such specimens shall be properly classified and kept for the benefit of the university.

3335.20 Department of ceramics.

The board of trustees of the Ohio state university shall establish a department of ceramics, equipped and designed for the technical education of clay, cement, and glass workers, in all branches of the art which exist in this state, or which profitably can be introduced and maintained in this state from the mineral resources thereof, including the manufacture of earthenwares*, stonewares, pottery, yellowwares, whitewares, china, porcelain, and ornamental pottery, the manufacture of sewer pipe, fireproofing, terracotta, sanitary claywares, electric conduits and specialties, firebrick and all refractory materials, glazed and enameled bricks, pressed bricks, vitrified paving material as well as the most economic methods in the production of the coarser forms of bricks used for building purposes; and the manufacture of tiles used for paving, flooring, decorative wall paneling, roofing, and draining purposes; also the manufacture of cement, concrete artificial stone, and all kinds of glass products, and all other clay industries represented in this state.

*so in enrolled bill.

3335.21 Special instruction.

The department of ceramics of the Ohio state university shall offer special instruction to clay workers on the origin, composition, properties and testing of clays, the selection of materials for different purposes, the mechanical and chemical preparation of clays, the laws of burning clays, the theory and practice of the formation of clay bodies, slips, and glazes, and the laws which control the formation and fusion of silicates.

3335.22 Laboratory; equipment.

The department of ceramics of the Ohio state university shall be provided with an efficient laboratory designed especially for the practical instruction of clay workers in the list of subjects enumerated in section 3335.20 of the Revised Code and it shall also be equipped to investigate into the various troubles and defects incident to every form of clay working, which cannot be understood or avoided except by use of such scientific investigation. Such laboratory shall be equipped with apparatus for chemical analysis, with furnaces and kilns for pyrometric and practical trials, with such machinery for the grinding, washing, and preparation of clays for manufacture, as is consistent with the character of the department.

3335.23 Expert in ceramics.

To conduct the department of ceramics, the board of trustees of the Ohio state university shall employ a competent expert, who shall unite with the necessary education and scientific acquirements, a thorough practical knowledge of clay working, and not less than two years actual experience in some branch of the art. He shall teach the theoretical part of the subject, conduct the laboratory for the instruction of students, prosecute such scientific investigations into the technology of the various clay industries as may be practicable, and from time to time may, with the consent of the board, publish the results of his investigation in such form that such results will be accessible to the clay workers of the state for the advancement of the art.

3335.24 Experimental unit at Roseville.

The board of trustees of the Ohio state university and the department of job and family

services may enter into a cooperative agreement for the construction, operation, and maintenance of a ceramic experimental unit upon property belonging to the state at Roseville. The terms of any cooperative agreement entered into by the parties under this section shall be binding upon them until modified by their mutual consent.

3335.25 Engineering experiment station.

The board of trustees of the Ohio state university shall establish an organization to be known as the "engineering experiment station of the Ohio state university," to be affiliated and operated in connection with the college of engineering.

3335.26 Purpose of station.

The purpose of the engineering experiment station of the Ohio state university shall be to make technical investigations and to supply engineering data which will tend to increase the economy, efficiency, and safety of the manufacturing, mineral, transportation, and other engineering and industrial enterprises of the state, and to promote the conservation and utilization of its resources.

3335.27 Board of trustees shall have control of station; advisory committee.

The engineering experiment station shall be under the control of the board of trustees of the Ohio state university, through the regular administrative and fiscal officers. The board shall appoint a director on recommendation of the president of the university. There shall be an advisory committee of seven members appointed by the board of which committee the director shall be ex officio a member, and chairperson, said director, and the other six members to be chosen from the faculty of the college of engineering. The term of these members shall be for three years. The director and advisory committee shall select suitable subjects for investigation, apportion the available funds, and with the consent of the board may provide for the dissemination of the results to the people of the state.

3335.28 Equipment.

The various laboratories of the college of engineering and the equipment shall be available for the use of the engineering experiment station, provided that their use for instruction and research in the regular work of the college shall take precedence over their use by the station. The director of the station may procure for temporary or permanent use such additional equipment as is needed, and install the same in the laboratories of the college or elsewhere.

3335.29 Station shall not be conducted for gain.

The engineering experiment station of the Ohio state university shall not be conducted for the private or personal gain of anyone connected with it, or for the sole benefit of any individual, firm, or corporation.

Any commission, board, bureau, or department of the state, or any institution owned by the state, may seek assistance from the station, and such requests shall have precedence over all other outside requests. The advisory committee of the station may decline such requests or require that the expense of such investigations be borne in part or in whole by the commission, board, bureau, or department of state, or institution owned by the state, making such requests.

Any individual, firm, or corporation may seek the assistance of the station; the advisory committee of said station may decline to render such assistance or may require that any expense incidental to such assistance be borne in part or in whole by the individual, firm, or corporation seeking such assistance, and the advisory committee of the station may publish the results of such investigations.

Sections 3335.25 to 3335.29 of the Revised Code, do not limit the powers of the advisory committee of the station to carry on lines of investigation upon its own initiative.

3335.31 School of mines; laboratory.

The board of trustees of the Ohio state university shall establish therein, a school of mines and mine engineering, in which shall be provided the means for scientifically and experimentally studying the survey, opening, ventilation, care, and working of mines. Such school shall be provided with a collection of drawings, illustrating the manner of opening, working, and ventilating mines; with the necessary instruments for surveying, measuring air, examining and testing the noxious and poisonous gases of mines; and with models of the most improved machinery for ventilating and operating all the various kinds of mines with safety to the lives and health of those engaged therein. Such school also shall be provided with complete mining laboratories for the analysis of coals, ores, fire clays and other minerals, and with all the necessary apparatus for testing the various coals, ores, fire clays, oil, gases, and other minerals.

3335.32 Employment of instructors.

The board of trustees of the Ohio state university shall employ competent persons to give instruction in the most improved and successful methods of opening, operating, surveying, and inspecting mines, including the methods and machinery employed for extracting coal, ore, fire clay, oil, gas, and other minerals from the pit's mouth and for facilitating the ascent and descent of workmen, the draining and freeing of mines from water, the causes of the vitiation of air, the quantities of fresh air required under the various circumstances, natural ventilation, mechanical ventilation by flues and fans, and other ventilating machinery, the use of air engines, air compressors, and coal cutting machinery; also instruction in the various uses of coals, ores, fire clays, oils, gases, and other minerals, and the methods of testing, analyzing, and assaying such minerals; and the methods employed in metallurgical and other processes in the reduction of ores and in determining the qualities of metals, particularly iron and steel, as shown by practical and laboratory tests. There also shall be kept in a cabinet properly arranged for ready reference and examination, suitably connected with the school of mines provided for in section 3335.31 of the Revised Code, samples of the specimens from the various mines in the state, which may be sent for analysis, together with the names of the mines and their localities in the counties from which they were sent, with the analysis and a statement of their properties attached. Such school shall also furnish an analysis of all minerals found in the state and sent to it for that purpose by residents thereof.

3335.35 Ohio cooperative extension service fund created.

There is hereby created the "Ohio cooperative extension service fund," which shall be under the custody and control of the board of trustees of the Ohio state university and shall consist of all moneys appropriated, given, granted, or bequeathed to the university for the use of the Ohio cooperative extension service by the United States, this state, any political subdivision of this state, or any person. The board shall have responsibility for expenditure of all moneys in the fund in accordance with state and federal law and memoranda of agreement between the university and the United States department of agriculture.

3335.36 Cooperative extension service employees.

The board of trustees of the Ohio state university may employ such employees as it considers appropriate for the conduct of educational programs of the Ohio cooperative extension service and may provide for the payment from the Ohio cooperative extension service fund created by section 3335.35 of the Revised Code of reasonable compensation to such employees and of reasonable expenses incurred by them in the discharge of their duties, including expenses of travel and of maintaining, equipping, and supplying their offices.

The employees shall cooperate with the department of agriculture, the Ohio agricultural research and development center, the department of education, and the United States department of agriculture, for the purpose of making available the educational materials of the extension service. Such employees shall represent the university and shall conduct educational

activities related to agriculture, natural resources, home economics, family living, and 4-H programs for the citizens of this state through personal instruction, bulletins, practical demonstrations, mass media, and otherwise, subject to such rules as may be prescribed by the board of trustees of the university. Such employees shall have offices provided by the county or other political subdivision in which they serve in which bulletins and other educational materials of value to the people may be consulted and through which the employees may be reached.

The board of trustees of the Ohio state university may hire or use employees of the Ohio cooperative extension service to carry out the functions and duties of a director of economic development under division (B) of section 307.07 of the Revised Code pursuant to any agreement with a county under division (A)(2) of section 307.07 of the Revised Code.

3335.37 County contributions to cooperative extension service fund.

The board of county commissioners of any county may levy a tax, within the limitations prescribed by law, and appropriate money from the proceeds thereof or from the general fund of the county to be paid to the Ohio state university to the credit of the Ohio cooperative extension service fund created by section 3335.35 of the Revised Code and expended for the purposes prescribed in section 3335.36 of the Revised Code for the benefit of the citizens of such county. Any money paid into the fund under this section that aggregates more than ten per cent of the county appropriation in the preceding year and that remains unexpended for two years from the time of such payment shall be returned to the county from which it came unless the board of county commissioners determines by resolution to contribute it to the Ohio cooperative extension service for general purposes.

3335.38 Farm financial management institute.

The board of trustees of the Ohio state university shall establish a farm financial management institute in the Ohio cooperative extension service to train interested and qualified persons to assist farmers needing help with farm financial management problems.

Participation shall be open to all interested persons, but the following persons shall be given priority as to enrollment: employees or representatives of banks and other farm credit agencies, agricultural teachers, and faculty and employees of the Ohio state university and the Ohio cooperative extension service who agree to assist Ohio farmers in completing and understanding the coordinated financial statement and other subjects. A fee may be charged participants, as determined by the extension service, but may be waived for those participants granted priority status at enrollment.

3335.41 Neuropsychiatric service.

The board of trustees of the Ohio state university shall operate and manage a neuropsychiatric service of the college of medicine which shall be a center for teaching and research in the fields of neurology and psychiatry and a center for the treatment and care of persons suffering from mental, nervous, or allied diseases. The university shall conduct graduate training programs in neurology and psychiatry, with a view towards securing and maintaining academic and professional accreditation of such programs.

The board of trustees, on the recommendation of the president and other administrative officers of the university, shall adopt rules and regulations for the operation of the neuropsychiatric service.

The board of trustees may enter into agreements with other public and private agencies for cooperative efforts in teaching and research in the fields of neurology and psychiatry and for the treatment of persons suffering from mental, nervous, or allied diseases.

3335.42 Tuberculosis treatment service.

The board of trustees of the Ohio state university shall operate and manage a treatment service for tuberculosis and other diseases as part of the college of medicine, which service shall be a center for teaching and research in the fields of tuberculosis and other diseases and a center for treatment of patients suffering from such diseases.

The board of trustees, on the recommendation of the president and other administrative officers of the university, shall adopt rules for the operation of the treatment service established under this section.

The board of trustees may enter into agreements with the director of the department of health for cooperative efforts in research in the fields of tuberculosis and other diseases and for the treatment of patients, suffering from such diseases, as may be under jurisdiction of the department of health. The board may enter into agreements with other public and private agencies for cooperative efforts in teaching, research, and patient care in the fields of tuberculosis and other diseases.

3335.43 Eligibility; admission to treatment service. Repealed effective 10/10/2000

3335.44 Charge for care and treatment.

The charge for care and treatment of patients admitted to the tuberculosis service at the Ohio state university shall be paid to university hospital and shall be borne by the county in which such patient lives to the extent that such charge is not paid or payable by insurance or under other third party agreement.

3335.45 Ohio state university highway and transportation research fund.

The Ohio state university highway and transportation research fund is hereby created in the state treasury. Not later than the thirty-first day of July each year, the Ohio state university shall certify to the director of budget and management, and pay to the treasurer of state for deposit in the fund, the income distributions derived from the six million dollars of transportation research center proceeds that were paid to the endowment portfolio pursuant to Section 12 of Am. Sub. S.B. 321 of the 117th general assembly. The fund shall be used for the support and encouragement of research by the Ohio state university in automotive, vehicular, and related forms of transportation, and for the development of improved highway facilities for vehicular traffic. For the purposes of this section, "income distributions" means that part of the investment earnings which is to be distributed pursuant to the endowment portfolio investment policies of the Ohio state university board of trustees.

3335.50 Ohio rehabilitation center; control.

The board of trustees of the Ohio state university shall establish and operate an organization known as the "Ohio rehabilitation center" for the development and application of means and methods for restoring physically handicapped persons to positions of improved social and economic usefulness. The center shall be under the control of the board of trustees of the university through the regular university administrative and fiscal officers.

3335.51 Objectives; cooperation with other agencies; training of personnel; research.

The objectives of the Ohio rehabilitation center shall be to rehabilitate handicapped or disabled persons whose rehabilitation requires extended residential care or intensive study and services; to cooperate with, aid, and supplement such public and private projects for rehabilitation as may be established in the various communities of the state; to provide training for persons seeking competence in the several disciplines pertaining to the field of rehabilitation; to conduct research and demonstrations in connection with the problems and techniques of rehabilitation; to

disseminate information and promote public understanding respecting the problems incident to the rehabilitation of the handicapped and their return to productive usefulness; and to afford such other services of rehabilitation as the center may develop for the benefit of citizens of this state.

3335.52 Bequests.

The board of trustees of the Ohio state university may receive and hold in trust in the name of the state and for the use and benefit of the Ohio rehabilitation center any bequest, devise, or donation of money or of real or personal property to be applied to the general or special use of the center as may be directed by the donor.

3335.53 Management criteria.

The board of trustees of the Ohio state university shall manage the Ohio rehabilitation center using the same criteria and regulations as those applying to the university.

3335.54 Regulations.

The board of trustees of the Ohio state university may establish by regulation the standards and processes for admission or rejection, retention, or dismissal of all persons admitted or applying for admission to the Ohio rehabilitation center and may provide by regulation for defraying the cost of rehabilitation of persons who are unable to pay all or part of such cost.

3335.55 Agreements with other agencies.

Every department, office, or institution of the state and any political subdivision thereof may make such arrangements or contracts with the board of trustees of the Ohio state university for use of the Ohio rehabilitation center as may be appropriate in order to provide for the rehabilitation in any proper case of disabled or handicapped persons in respect of whom such department, office, or institution or political subdivision is responsible or exercises supervision under any law of the state or ordinance or regulation of a political subdivision thereof. Every appropriate effort shall be made to rehabilitate and restore to social and economic usefulness all persons who are or may probably become charges of the state or of a political subdivision. Whenever any law of the state makes provision for or authorizes payment for medical services, hospital services, or for the care of any disabled or handicapped persons, such provision or authorization shall be deemed to include rehabilitation of such person. Any such arrangement or contract may establish the charges which shall be paid for rehabilitation services and facilities.

3335.56 Creation of Ohio agricultural research and development center.

There is hereby created the Ohio agricultural research and development center, for the pursuit of basic and applied research in agriculture, natural resources, and related subjects essential to the continued development of the state's agricultural industry and natural resources. It shall be a part of the Ohio state university, under the control, management, and supervision of the board of trustees of the university.

3335.57 Board of trustees to govern center; Ohio agricultural research and development center fund created.

(A) The board of trustees of the Ohio state university shall govern the Ohio agricultural research and development center.

(B) There is hereby created the "Ohio agricultural research and development center fund," which shall be under the custody and control of the board of trustees of the university and shall consist of all moneys appropriated, given, granted, or bequeathed to the center or to the university for the center's use by the United States, this state, any political subdivision of this state, or any person. The board shall have responsibility for expenditure of all moneys in the fund in accordance with state and federal law and memoranda of agreement between the university and the United States department of agriculture.

(C) The board of trustees shall provide for the center such necessary lands and buildings as the board considers appropriate to carry out the center's research and development mission.

(D) The board of trustees may lease sites for construction of laboratories or other facilities to the United States government within any area owned by this state and administered by the university for purposes of the center. Such leases may be of such duration and consideration as will be in the mutual interest of this state and the departments or agencies of the United States government.

All moneys received from any such leases shall be held and administered by the university for the use and benefit of the center.

Chapter 3333

Ohio Board of Regents

3333.01 Ohio board of regents - advisory role - terms.

(A) There is hereby created the Ohio board of regents as an advisory board to the chancellor appointed under section 3333.03 of the Revised Code. The board shall consist of nine members to be appointed by the governor with the advice and consent of the senate. The members shall be residents of this state who possess an interest in and knowledge of higher education. No member shall be a trustee, officer, or employee of any Ohio public or private college or university while serving as a member of the board. In addition to the members appointed by the governor, the chairperson of the education committee of the senate and the chairperson of the education committee of the house of representatives shall, after January 1, 1967, be ex officio members of the board without a vote.

(B) Prior to September 20, 2008, terms of office shall be for nine years, commencing on the twenty-first day of September and ending on the twentieth day of September.

(C) Beginning on September 20, 2008, the terms of office for the members of the board of regents shall be as follows:

(1) The terms of office of the three members whose terms under division (B) of this section are scheduled to expire on September 20, 2008, shall expire on September 20, 2008. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2008, and ending on September 20, 2014.

(2) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2011, shall expire on September 20, 2010. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2010, and ending on September 20, 2016.

(3) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2014, shall expire on September 20, 2012. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2012, and ending on September 20, 2018.

Thereafter, the terms of office of all subsequent members of the board of regents shall be for six years beginning on the twenty-first day of September and ending on the twentieth day of September.

(D) Except as provided in division (C) of this section, each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

No person who has served a full nine-year term under division (B) of this section or two full six-year terms under division (C) of this section shall be eligible for reappointment.

(E) Board members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the conduct of board business.

3333.01.1 Prohibitions on board members and staff.

No member of the Ohio board of regents, created by section 3333.01 of the Revised

Code, shall be a trustee, officer, or employee of a technical college while serving as a member of the board. Neither the chancellor nor any staff member or employee of the board shall be a trustee, officer, or employee of a technical college while serving on the board.

3333.02 Board meetings and duties.

The Ohio board of regents shall hold its first meeting at the call of the governor, within three months after all members have been appointed and qualified. Meetings thereafter shall be called in such manner and at such times as prescribed by standards adopted by the board, but the board shall meet at least quarterly. A majority of the board constitutes a quorum. At its first meeting, the board shall organize by selecting a chairperson, a vice-chairperson, and a secretary, and such other officers as it deems necessary. The board shall adopt standards for the conduct of its business, and to provide for the term and election of officers, and shall establish an office in Columbus. The standards shall permit the formation of a quorum and the taking of votes at meetings conducted by interactive video teleconference if provisions are made for public attendance at any location involved in such a teleconference.

A record shall be kept of board proceedings, which shall be open for public inspection. The board shall adopt a seal to be affixed to official documents. Each member of the board, before entering on official duties and after qualifying for office, shall take and subscribe to an oath of office, to uphold the constitution and laws of the United States and this state, and to perform the duties of office honestly, faithfully, and impartially.

3333.02.1 Filing fiscal analysis with proposed rules.

As used in this section, "university" means any college or university that receives a state appropriation.

(A) This division does not apply to proposed rules, amendments, or rescissions subject to review under division (I) of section 119.03 of the Revised Code. No action taken by the chancellor of the Ohio board of regents that could reasonably be expected to have an effect on the revenue or expenditures of any university shall take effect unless at least two weeks prior to the date on which the action is taken, the chancellor has filed with the speaker of the house of representatives, the president of the senate, the legislative budget office of the legislative service commission, and the director of budget and management a fiscal analysis of the proposed action. The analysis shall include an estimate of the amount by which, during the current and ensuing fiscal biennium, the action would increase or decrease the university's revenues or expenditures and increase or decrease any state expenditures and any other information the chancellor considers necessary to explain the action's fiscal effect.

(B) Within three days of the date the chancellor files with the clerk of the senate a proposed rule, amendment, or rescission that is subject to review and invalidation under division (I) of section 119.03 of the Revised Code, the chancellor shall file with the speaker of the house, the president of the senate, the legislative budget office of the legislative service commission, and the director of budget and management a fiscal analysis of the proposed rule. The analysis shall include an estimate of the amount by which, during the current and ensuing fiscal biennium, the action would increase or decrease any university's revenues or expenditures and increase or decrease state revenues or expenditures and any other information the chancellor considers necessary to explain the fiscal effect of the rule, amendment, or rescission. No rule, amendment, or rescission shall take effect unless the chancellor has complied with this division.

3333.03 Governor to appoint chancellor of board.

(A) The governor, with the advice and consent of the senate, shall appoint the chancellor of the Ohio board of regents. The governor may remove the chancellor in accordance with section 3.04 of the Revised Code, except that the removal shall not require the advice and consent of the senate. The governor shall prescribe the chancellor's duties in addition to the chancellor's duties prescribed by law. In no case shall the chancellor assume any duties prescribed by the governor

or law until the senate has consented to the chancellor's appointment. The governor shall fix the compensation for the chancellor. The chancellor shall be a member of the governor's cabinet.

(B) The term of office of the chancellor shall be five years. Any person appointed chancellor to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall hold office for the remainder of that term. Any vacancy in the office shall be filled within sixty days after the vacancy occurs. Each chancellor shall continue in office subsequent to the expiration date of the term for which the chancellor was appointed until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The chancellor may be reappointed.

(C) The chancellor is responsible for appointing and fixing the compensation of all professional, administrative, and clerical employees and staff members necessary to assist in the performance of the chancellor's duties. All employees and staff shall serve at the chancellor's pleasure.

(D) The chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of higher education and to devise programs, plans, and methods of solving the problems and meeting the needs.

(E) Neither the chancellor nor any staff member or employee of the chancellor shall be a trustee, officer, or employee of any public or private college or university while serving as chancellor, staff member, or employee.

3333.03.1 References to "Ohio board of regents."

Whenever the term "Ohio board of regents" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the "chancellor of the Ohio board of regents," except in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the Revised Code or unless the use, reference, or designation of the term "Ohio board of regents" relates to the board's duties to give advice to the chancellor of the Ohio board of regents or unless another section of law expressly provides otherwise.

3333.03.2 Annual report of board of regents.

The Ohio board of regents shall submit to the general assembly, in accordance with division (B) of section 101.68 of the Revised Code, and to the governor, an annual report on the condition of higher education in this state, including the performance of the chancellor of the board.

3333.03.3 Chancellor - powers and duties.

The chancellor of the Ohio board of regents shall:

(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs;

(B)(1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;

(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public hearing on the matter and advise the chancellor on whether the program should be recommended for elimination. The board shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. Following the hearing, the board shall issue a recommendation to the chancellor. The chancellor shall consider the board's recommendation but shall not be required to accept it.

For purposes of determining the amounts of any state instructional subsidies paid to state colleges, universities, and other state-assisted institutions of higher education, the chancellor may exclude students enrolled in any program that the chancellor has recommended for elimination pursuant to this division except that the chancellor shall not exclude any such student who enrolled in the program prior to the date on which the chancellor initially commences to exclude students under this division.

The chancellor and state colleges, universities, and other state-assisted institutions of higher education shall jointly develop a process for determining which existing graduate or professional programs constitute unnecessary duplication.

(G) Recommend to the state colleges, universities, and other state-assisted institutions of higher education programs which should be added to their present programs;

(H) Conduct studies for the state colleges, universities, and other state-assisted institutions of higher education to assist them in making the best and most efficient use of their existing facilities and personnel;

(I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education; the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education;

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate the chancellor's recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the chancellor shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the chancellor shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal impact statement to the president of the senate, the speaker of the house of representatives, the legislative service commission, and the director of budget and management.

The chancellor shall work in close cooperation with the director of budget and management in this respect and in all other matters concerning the expenditures of appropriated funds by state colleges, universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and trustees of both public and private colleges, universities, and other institutions of higher education in the state in performing the chancellor's duties and making the chancellor's plans, studies, and recommendations;

(L) Appoint advisory committees consisting of persons associated with public or private secondary schools, members of the state board of education, or personnel of the state department of education;

(M) Appoint advisory committees consisting of college and university personnel, or other persons knowledgeable in the field of higher education, or both, in order to obtain their advice and assistance in defining and suggesting solutions for the problems and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education;

(O) Adopt such rules as are necessary to carry out the chancellor's duties and responsibilities. The rules shall prescribe procedures for the chancellor to follow when taking actions associated with the chancellor's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;

(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;

(6) A timeline for the process described in divisions (O)(1) to (5) of this section.

(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the chancellor's supervision that is designed to accomplish any of the following:

(1) Increased access to higher education;

(2) Job training;

(3) Adult literacy;

(4) Research;

(5) Excellence in higher education;

(6) Reduction in the number of graduate programs within the same subject area.

In July of each odd-numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.

(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;

(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 3333.28, 3333.29, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

(T) Administer contracts under sections 3702.74 and 3702.75 of the Revised Code in accordance with rules adopted by the director of health under section 3702.79 of the Revised Code;

(U) Conduct enrollment audits of state-supported institutions of higher education;

(V) Appoint consortiums of college and university personnel to participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortiums shall be distributed to the fiscal agents for the operation of the consortiums. A consortium shall follow the rules of the college or university that serves as its fiscal agent.

(W) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed by law;

(X) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

3333.04.1 Submitting annual report on number of graduates of Ohio school districts at each institution and percentage needing remedial courses to general assembly.

On or before the last day of December of each year, the chancellor of the Ohio board of regents shall submit a report to the general assembly, the state board of education, and the board of education of each city, exempted village, and local school district on the status of graduates of Ohio school districts at state-assisted colleges or universities during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended such a college or university and the percentage of each district's graduates enrolled in such a college or university during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the board.

Each state-assisted college and university shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

As used in this section, "state-assisted college or university" means a state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community colleges, state community colleges, university branches, and technical colleges.

3333.04.2 Grants for nonprofit entity that provides aerospace research, education and technology.

The chancellor of the Ohio board of regents may grant money to a nonprofit entity that provides a statewide resource for aerospace research, education, and technology, so long as the nonprofit entity makes its resources accessible to state colleges and universities and to agencies of this and other states and the United States. The chancellor, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish procedures and forms whereby nonprofit entities may apply for grants; standards and procedures for reviewing applications for and awarding grants; procedures for distributing grants to recipients; procedures for monitoring the use of grants by recipients; requirements, procedures, and forms whereby grant recipients shall report upon their use of grants; and standards and procedures for terminating and requiring repayment of grants in the event of their improper use.

A state college or university or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code and any agency of state government may provide assistance, in any form, to any nonprofit entity that receives a grant under this section. Such assistance shall be solely for the purpose of assisting the nonprofit entity in making proper use of the grant.

A nonprofit entity that expends a grant under this section for a capital project is not thereby subject to Chapter 123. or 153. of the Revised Code. An officer or employee of, or a person who serves on a governing or advisory board or committee of, a nonprofit entity that receives a grant under this section is not thereby an officer or employee of a state college or university or of the state. An officer or employee of a state college or university or of the state who is assigned to assist a nonprofit entity in making proper use of a grant does not, to the extent the officer or employee provides such assistance, thereby hold an incompatible office or employment, or have a direct or indirect interest in a contract or expenditure of the entity.

3333.04.3 Community service programs.

(A) As used in this section:

(1) "Institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, municipal educational institutions established under Chapter 3349. of the Revised Code, community colleges established under Chapter 3354. of the Revised Code, university branches established under Chapter 3355. of the Revised Code, technical colleges established under Chapter 3357. of the Revised Code, state community colleges established under Chapter 3358. of the Revised Code, any institution of higher education with a certificate of registration from the state board of career colleges and schools, and any institution for which the chancellor of the Ohio board of regents receives a notice pursuant to division (C) of this section.

(2) "Community service" has the same meaning as in section 3313.605 of the Revised Code.

(B)(1) The board of trustees or other governing entity of each institution of higher education shall encourage and promote participation of students in community service through a program appropriate to the mission, student population, and environment of each institution. The program may include, but not be limited to, providing information about community service opportunities during student orientation or in student publications; providing awards for exemplary community service; encouraging faculty members to incorporate community service into students' academic experiences wherever appropriate to the curriculum; encouraging recognized student organizations to undertake community service projects as part of their purposes; and establishing advisory committees of students, faculty members, and community and business leaders to develop cooperative programs that benefit the community and enhance student experience. The program shall be flexible in design so as to permit participation by the greatest possible number of students, including part-time students and students for whom participation may be difficult due to financial, academic, personal, or other considerations. The program shall emphasize community

service opportunities that can most effectively use the skills of students, such as tutoring or literacy programs. The programs shall encourage students to perform services that will not supplant the hiring of, result in the displacement of, or impair any existing employment contracts of any particular employee of any private or governmental entity for which services are performed.

(2) The chancellor of the Ohio board of regents shall encourage all institutions of higher education in the development of community service programs. With the assistance of the Ohio community service council created in section 121.40 of the Revised Code, the chancellor shall make available information about higher education community service programs to institutions of higher education and to statewide organizations involved with or promoting volunteerism, including information about model community service programs, teacher training courses, and community service curricula and teaching materials for possible use by institutions of higher education in their programs. The chancellor shall encourage institutions of higher education to jointly coordinate higher education community service programs through consortia of institutions or other appropriate means of coordination.

(C) The board of trustees of any nonprofit institution with a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code or the governing authority of a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code may notify the chancellor that it is making itself subject to divisions (A) and (B) of this section. Upon receipt of such a notice, these divisions shall apply to that institution.

3333.04.5 Model for training university and college trustees and regents as to authority and responsibilities.

As used in this section, "state university or college" means any state university listed in section 3345.011 of the Revised Code, the northeastern Ohio universities college of medicine, any community college under Chapter 3354. of the Revised Code, any university branch district under Chapter 3355. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

The chancellor of the Ohio board of regents shall work with the attorney general, the auditor of state, and the Ohio ethics commission to develop a model for training members of the boards of trustees of all state universities and colleges and members of the board of regents regarding the authority and responsibilities of a board of trustees or the board of regents. This model shall include a review of fiduciary responsibilities, ethics, and fiscal management. Use of this model by members of boards of trustees and the board of regents shall be voluntary.

This section does not apply to the three members of the board of trustees of the northeastern Ohio universities college of medicine who are presidents of state universities.

3333.04.6 Exempting certain programs from regulation as proprietary schools.

Any institution authorized to grant on February 20, 2002, baccalaureate or master's degrees, for which certificates of authorization have been issued under Chapter 1713. of the Revised Code; that is accredited by the appropriate regional and, when appropriate, professional accrediting associations within whose jurisdiction it falls; and that is operated by a for-profit corporation shall cease to be subject to any regulation under Chapter 3332. of the Revised Code but shall continue to be subject to the provisions for approval of degree programs set forth in Chapter 1713. of the Revised Code, including approval of any additional associate, baccalaureate, or master's degree programs offered by the institution.

3333.04.7 Student financial aid program audits.

With regard to any state student financial aid program established in this chapter, Chapter 5910., or section 5919.34 of the Revised Code, the chancellor of the Ohio board of regents shall conduct audits to:

(A) Determine the validity of information provided by students and parents regarding eligibility for state student financial aid. If the chancellor determines that eligibility data has been reported incorrectly or inaccurately, and where the chancellor determines an adjustment to be appropriate, the institution of higher education shall adjust the financial aid awarded to the student.

(B) Ensure that institutions of higher education are in compliance with the rules governing state student financial aid programs. An institution that fails to comply with the rules in the administration of any state student financial aid program shall be fully liable to reimburse the state for the unauthorized use of student financial aid funds.

3333.05 Chancellor to approve plans and charter of community colleges.

The chancellor of the Ohio board of regents shall approve or disapprove proposed official plans of community college districts, prepared and submitted pursuant to sections 3354.01 to 3354.18 of the Revised Code, and issue or decline to issue charters for operation of community colleges, pursuant to section 3354.07 of the Revised Code.

The chancellor shall approve an official plan, and issue a charter, only upon the following findings:

(A) That the official plan and all past and proposed actions of the community college district are in conformity to law;

(B) That the proposed community college will not unreasonably and wastefully duplicate existing educational services available to students and prospective students residing in the community college district;

(C) That there is reasonable prospect of adequate current operating revenue for the proposed community college from its proposed opening date of operation;

(D) That the proposed lands and facilities of the community colleges will be adequate and efficient for the purposes of the proposed community college;

(E) That the proposed curricular programs defined in section 3354.01 of the Revised Code as "arts and sciences" and "technical," or either, are the programs for which there is substantial need in the territory of the district.

The employment and separation of individual personnel in a community college, and the establishing or abolishing of individual courses of instruction, shall not be subject to the specific and individual approval or disapproval of the chancellor, but shall occur in the discretion of the local management of such college within the limitations of law, the official plan, and the charter of such college.

3333.06 State plan - federal grants.

The chancellor of the Ohio board of regents shall prepare a state plan and do all other things necessary for participation in federal acts relative to the construction of higher educational academic facilities.

Such plan shall provide for objective standards and methods of determining the relative priorities for eligible projects for the construction of academic facilities submitted by institutions of higher education within the state and for determining the federal share of the development for each such project.

The chancellor shall provide for assigning priorities in accordance with such criteria, standards, and methods to eligible projects submitted to and approved by the chancellor, shall recommend to the United States secretary of education, in the order of such priority, applications

covering such eligible projects, and shall certify to the secretary the federal share of the development cost of such projects.

The chancellor shall provide a fair hearing to each institution which has submitted a project as to the priority assigned to such project by the chancellor or as to any other determination of the chancellor adversely affecting such institution.

The chancellor shall receive federal grants for the proper and efficient administration of the state plan, and shall provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, federal funds paid to the chancellor.

The chancellor shall make such reports in such form and containing such information as may be reasonably required by the secretary in the performance of the secretary's functions under federal law relating to grants for the construction of academic facilities.

Each federal grant received by the chancellor shall be paid into the state treasury.

3333.07 Restrictions on state institutions.

(A) Colleges, universities, and other institutions of higher education which receive state assistance, but are not supported primarily by the state, shall submit to the chancellor of the Ohio board of regents such accounting of the expenditure of state funds at such time and in such form as the chancellor prescribes.

(B) No state institution of higher education shall establish a new branch or academic center without the approval of the chancellor.

(C) No state institution of higher education shall offer a new degree or establish a new degree program without the approval of the chancellor. No degree approval shall be given for a technical education program unless such program is offered by a state assisted university, a university branch, a technical college, or a community college.

(D) Any state college, university, or other state assisted institution of higher education not complying with a recommendation of the chancellor pursuant to division (F) or (G) of section 3333.04 of the Revised Code shall so notify the chancellor in writing within one hundred twenty days after receipt of the recommendation, stating the reasons why it cannot or should not comply.

(E) The officers, trustees, and employees of all institutions of higher education which are state supported or state assisted shall cooperate with the chancellor in supplying information regarding their institutions, and advising and assisting the chancellor on matters of higher education in this state in every way possible when so requested by the chancellor.

(F) Persons associated with the public school systems in this state, personnel of the state department of education, and members of the state board of education shall provide such data about high school students as are requested by the chancellor to aid in the development of state higher education plans.

3333.07.1 Restricting expenditures for land or capital improvements.

Notwithstanding section 3345.16 of the Revised Code, no expenditure shall be made for land for higher education purposes by public institutions of higher education or agents of such institutions from any fund without the approval of the chancellor of the Ohio board of regents and the controlling board. No state appropriation for capital improvements shall be released by the controlling board for the purchase of land or buildings from any organization or corporation which has been established to benefit or assist the institution, except that such releases may be made if the land is to be used for a currently state-financed improvement.

3333.07.2 Allocation of state capital appropriations to state colleges and universities.

The chancellor of the Ohio board of regents, after consulting with the state colleges and universities and with the office of budget and management, shall adopt rules in accordance with Chapter 119. of the Revised Code to govern the allocation of state capital appropriations to state colleges and universities. In drafting the rules, the chancellor shall incorporate the recommendations of the final report of the commission to study higher education debt service, issued June 28, 1994, as these recommendations have been utilized and modified in procedures developed by the chancellor and the office of budget and management since the report was issued.

3333.08 Appropriating property.

It is the declared policy of this state that the availability of eminent domain on behalf of educational institutions of higher education is in the public welfare. A private college, university, or other institution of higher education may therefore apply to the chancellor of the Ohio board of regents for the right to appropriate property when such institution is unable to agree with the owner or owners of the subject property upon the price to be paid for the property. The institution shall be one that any educationally qualified member of the public who desires to attend has, or can acquire, a right to be admitted upon equal terms without discrimination. The institution shall certify to the chancellor, in its application, that the use of the property to be appropriated is to be for educational purposes, including student housing and dining facilities, that reasonable efforts have been made to purchase the property, and that it will be used without discrimination against any person or group and be equally available to all qualified persons. The institution also shall submit to the chancellor its plans for the use of the property and such other information as the chancellor may require. The chancellor may, thereafter, and upon a determination that the intended use is in the public interest, approve the application by resolution. Upon such approval, the institution may appropriate the property in the same manner as is provided for the appropriation of property in Chapter 163. of the Revised Code.

3333.09 Conveyances – lease-back agreements.

Public university or college," as used in this section, means any non-profit university or college situated within this state which is open to the public on equal terms and which is not affiliated with or controlled by an organization which is not primarily educational in nature. Any such university or college shall be considered to be serving a public purpose.

The chancellor of the Ohio board of regents may, upon the chancellor's determination that such action would serve the interests of higher education in this state, in terms of expansion of educational opportunity in a major urban area and in terms of expansion of educational service to a major urban community, accept conveyances of land, situated within this state, from any public university or college and enter into an agreement before or after such conveyance to lease to such public university or college, upon terms as may be prescribed by the chancellor, such land together with buildings constructed thereon and furniture, fixtures, and equipment therein for use as an educational facility. The lease shall be for a period not to exceed fifty years, renewable for a like term, and shall provide that such buildings be used solely for educational purposes and that the chancellor may cancel such lease if such buildings are used for other purposes. Such lease may contain provisions for the sale of such property to the lessee, upon the consent of the chancellor, for a purchase price not less than the actual cost to the chancellor, less depreciation, computed at the rate customarily applied to similar structures. The chancellor, through the department of administrative services, may construct, equip, or remodel buildings on lands accepted by the chancellor in the name of the state pursuant to this section. Title to lands acquired under this section shall be taken in the name of the state.

Responsibility for the proper use, maintenance, and repair of leased buildings shall rest upon the lessee.

3333.10 Granting aid to nonprofit medical, osteopathic and dental schools.

(A) As used in this section:

(1) "Qualified institution of higher education" or "institution" means a nonprofit educational institution, holding an effective certificate of authorization issued under section 1713.02 of the Revised Code, operating in the state an eligible program, and admitting students without discrimination by reason of race, creed, color, or national origin.

(2) "School of dentistry" means an accredited dental college as defined under section 4715.10 of the Revised Code.

(3) "Eligible program" means a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association, or such a school together with a school of dentistry.

(B) In order to provide better for the public health and the necessary enhancement of instruction in medicine and dentistry in the state, and to encourage the means of such instruction with the least economic cost to the people of the state, the chancellor of the Ohio board of regents may enter into agreements with qualified institutions of higher education providing for the continued operation by the institution of eligible programs, conditioned upon continued payments by the state to such institution for the purposes of such eligible programs of amounts determined in the manner provided for the state subsidy from time to time afforded to state universities on the basis of comparable programs. Before entering into such agreement, the chancellor shall determine that the institution is a qualified institution of higher education as defined in division (A) of this section, and that the operation of such eligible programs as provided for in such agreement and such payments will contribute to the objectives stated in this section and to the objectives of the master plan of higher education formulated under section 3333.04 of the Revised Code.

(C) Agreements under this section shall contain provisions to the effect that:

(1) The institution shall submit to the chancellor accountings for the expenditure of state payments in the manner and at the times as are requested for state-assisted institutions of higher education pursuant to division (A) of section 3333.07 of the Revised Code.

(2) The institution shall notify the chancellor in the manner provided for state-assisted institutions under division (D) of section 3333.07 of the Revised Code with regard to program recommendations by the chancellor in the nature of those provided for in divisions (F) and (G) of section 3333.04 of the Revised Code.

(3) The agreement shall terminate if the institution ceases to be a qualified institution of higher education as determined by the chancellor in accordance with Chapter 119. of the Revised Code.

(D) Agreements under this section may make further provision for any one or more of the following as the parties determine:

(1) The duration of any such agreement, or additional provision for terminating the agreement;

(2) Additional conditions for the effectiveness or continued effectiveness of such agreement;

(3) Procedures for the amendment or supplementation of the agreement, including designation of the parties to approve or execute such amendments or supplements;

(4) Such other provisions as may be deemed necessary or appropriate.

(E) In case any provision or part of this section or any provision, agreement, covenant, stipulation, obligation, act or action, or part thereof, made, assumed, or taken under or pursuant to this section, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other provision of this section or any other provision, agreement, covenant, stipulation, obligation, action, or part thereof, made,

assumed, or taken under or pursuant to this section, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such provision, agreement, covenant, stipulation, obligation, act, or action, or part thereof, shall be deemed to be effective, operative, made, done, or entered into in the manner and to the full extent permitted by law to accomplish most nearly the intention thereof.

(F) No agreement shall be entered into under this section with any institution which is not in compliance with section 3333.11 of the Revised Code.

3333.11 Department of family practice.

Each school or college of medicine supported in whole or in part by the state shall create a curriculum for and maintain a department of family practice, the purpose of which shall be to acquaint undergraduates with and to train postgraduate physicians for the practice of family medicine. The minimum requirements for the department shall include courses of study in family care, including clinical experience, a program of preceptorships, and a program of family practice residencies in university or other hospital settings.

Each program of family practice shall:

(A) Be designated to advance the field of family practice;

(B) Educate all medical students in family practice and encourage students to enter it as a career;

(C) Provide students an opportunity to study family practice in various situations through preceptorships, seminars, model family practice units within the medical school, classroom work, hospital programs, or other means;

(D) Develop residency and other training programs for family practice in public and private hospitals, including those in nonmetropolitan areas of the state;

(E) The department shall be a full department co-equal with all other major clinical departments and headed by a qualified experienced family practitioner serving as chairperson of the department of family practice and director of the family practice residency program.

Funds appropriated by the general assembly in support of family practice programs shall not be disbursed until the chancellor of the Ohio board of regents has certified that the intent and requirements of this section are being met.

3333.11.1 Department or office of geriatric medicine.

Each school or college of medicine supported in whole or in part by the state shall create an office of geriatric medicine within a department to be designated by the dean of the school or college of medicine, or, in lieu thereof, may establish a separate department of geriatric medicine.

The dean of the school or college of medicine shall designate a member of the medical school or medical college faculty to establish the office or department, which shall be responsible for incorporating subject matter relating to geriatric medicine into existing courses, arranging courses which relate to geriatric medicine in sequence, and establishing courses in geriatric medicine wherever appropriate, subject to approval of the dean of the school or college of medicine. In addition, the office or department of geriatric medicine shall provide clinical and research experience where it is considered to be necessary and appropriate.

3333.12 Instructional grant program.

(A) As used in this section:

(1) "Eligible student" means an undergraduate student who is:

(a) An Ohio resident enrolled in an undergraduate program before the 2006-2007 academic year;

(b) Enrolled in either of the following:

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.

(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964.

(c) Enrolled as a full-time student or enrolled as a less than full-time student for the term expected to be the student's final term of enrollment and is enrolled for the number of credit hours necessary to complete the requirements of the program in which the student is enrolled.

(2) "Gross income" includes all taxable and nontaxable income of the parents, the student, and the student's spouse, except income derived from an Ohio academic scholarship, income earned by the student between the last day of the spring term and the first day of the fall term, and other income exclusions designated by the chancellor of the Ohio board of regents. Gross income may be verified to the chancellor by the institution in which the student is enrolled using the federal financial aid eligibility verification process or by other means satisfactory to the chancellor.

(3) "Resident," "full-time student," "dependent," "financially independent," and "accredited" shall be defined by rules adopted by the chancellor.

(B) The chancellor shall establish and administer an instructional grant program and may adopt rules to carry out this section. The general assembly shall support the instructional grant program by such sums and in such manner as it may provide, but the chancellor may also receive funds from other sources to support the program. If the amounts available for support of the program are inadequate to provide grants to all eligible students, preference in the payment of grants shall be given in terms of income, beginning with the lowest income category of gross income and proceeding upward by category to the highest gross income category.

An instructional grant shall be paid to an eligible student through the institution in which the student is enrolled, except that no instructional grant shall be paid to any person serving a term of imprisonment. Applications for such grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in divisions (A)(1)(b) and (c) of this section. Instructional grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by the

chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment.

An instructional grant shall not exceed the total instructional and general charges of the institution.

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.

For a full-time student who is a dependent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution
Table of Grants
Maximum Grant \$5,466

Gross Income	Number of Dependents				
	1	2	3	4	5 or more
\$0 – \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466
\$15,001 – \$16,000	4,920	5,466	5,466	5,466	5,466
\$16,001 – \$17,000	4,362	4,920	5,466	5,466	5,466
\$17,001 – \$18,000	3,828	4,362	4,920	5,466	5,466
\$18,001 – \$19,000	3,288	3,828	4,362	4,920	5,466
\$19,001 – \$22,000	2,736	3,288	3,828	4,362	4,920
\$22,001 – \$25,000	2,178	2,736	3,288	3,828	4,362
\$25,001 – \$28,000	1,626	2,178	2,736	3,288	3,828
\$28,001 – \$31,000	1,344	1,626	2,178	2,736	3,288
\$31,001 – \$32,000	1,080	1,344	1,626	2,178	2,736
\$32,001 – \$33,000	984	1,080	1,344	1,626	2,178
\$33,001 – \$34,000	888	984	1,080	1,344	1,626
\$34,001 – \$35,000	444	888	984	1,080	1,344
\$35,001 – \$36,000	—	444	888	984	1,080
\$36,001 – \$37,000	—	—	444	888	984
\$37,001 – \$38,000	—	—	—	444	888
\$38,001 – \$39,000	—	—	—	—	444

For a full-time student who is financially independent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution
Table of Grants
Maximum Grant \$5,466

Gross Income	Number of Dependents					
	0	1	2	3	4	5 or more
\$0 – \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466
\$4,801 – \$5,300	4,920	5,466	5,466	5,466	5,466	5,466
\$5,301 – \$5,800	4,362	5,196	5,466	5,466	5,466	5,466
\$5,801 – \$6,300	3,828	4,914	5,196	5,466	5,466	5,466
\$6,301 – \$6,800	3,288	4,650	4,914	5,196	5,466	5,466
\$6,801 – \$7,300	2,736	4,380	4,650	4,914	5,196	5,466
\$7,301 – \$8,300	2,178	4,104	4,380	4,650	4,914	5,196
\$8,301 – \$9,300	1,626	3,822	4,104	4,380	4,650	4,914
\$9,301 – \$10,300	1,344	3,546	3,822	4,104	4,380	4,650
\$10,301 – \$11,800	1,080	3,408	3,546	3,822	4,104	4,380
\$11,801 – \$13,300	984	3,276	3,408	3,546	3,822	4,104
\$13,301 – \$14,800	888	3,228	3,276	3,408	3,546	3,822
\$14,801 – \$16,300	444	2,904	3,228	3,276	3,408	3,546
\$16,301 – \$19,300	—	2,136	2,628	2,952	3,276	3,408
\$19,301 – \$22,300	—	1,368	1,866	2,358	2,676	3,000
\$22,301 – \$25,300	—	1,092	1,368	1,866	2,358	2,676
\$25,301 – \$30,300	—	816	1,092	1,368	1,866	2,358
\$30,301 – \$35,300	—	492	540	672	816	1,314

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution Table of Grants Maximum Grant \$4,632					
Gross Income	Number of Dependents				
	1	2	3	4	5 or more
\$0 – \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632
\$15,001 – \$16,000	4,182	4,632	4,632	4,632	4,632
\$16,001 – \$17,000	3,684	4,182	4,632	4,632	4,632
\$17,001 – \$18,000	3,222	3,684	4,182	4,632	4,632
\$18,001 – \$19,000	2,790	3,222	3,684	4,182	4,632
\$19,001 – \$22,000	2,292	2,790	3,222	3,684	4,182
\$22,001 – \$25,000	1,854	2,292	2,790	3,222	3,684
\$25,001 – \$28,000	1,416	1,854	2,292	2,790	3,222
\$28,001 – \$31,000	1,134	1,416	1,854	2,292	2,790
\$31,001 – \$32,000	906	1,134	1,416	1,854	2,292
\$32,001 – \$33,000	852	906	1,134	1,416	1,854
\$33,001 – \$34,000	750	852	906	1,134	1,416
\$34,001 – \$35,000	372	750	852	906	1,134
\$35,001 – \$36,000	—	372	750	852	906
\$36,001 – \$37,000	—	—	372	750	852
\$37,001 – \$38,000	—	—	—	372	750
\$38,001 – \$39,000	—	—	—	—	372

For a full-time student who is financially independent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution Table of Grants Maximum Grant \$4,632						
Gross Income	Number of Dependents					
	0	1	2	3	4	5 or more
\$0 – \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632
\$4,801 – \$5,300	4,182	4,632	4,632	4,632	4,632	4,632
\$5,301 – \$5,800	3,684	4,410	4,632	4,632	4,632	4,632
\$5,801 – \$6,300	3,222	4,158	4,410	4,632	4,632	4,632
\$6,301 – \$6,800	2,790	3,930	4,158	4,410	4,632	4,632
\$6,801 – \$7,300	2,292	3,714	3,930	4,158	4,410	4,632
\$7,301 – \$8,300	1,854	3,462	3,714	3,930	4,158	4,410
\$8,301 – \$9,300	1,416	3,246	3,462	3,714	3,930	4,158
\$9,301 – \$10,300	1,134	3,024	3,246	3,462	3,714	3,930
\$10,301 – \$11,800	906	2,886	3,024	3,246	3,462	3,714
\$11,801 – \$13,300	852	2,772	2,886	3,024	3,246	3,462
\$13,301 – \$14,800	750	2,742	2,772	2,886	3,024	3,246

\$14,801 – \$16,300	372	2,466	2,742	2,772	2,886	3,024
\$16,301 – \$19,300	—	1,800	2,220	2,520	2,772	2,886
\$19,301 – \$22,300	—	1,146	1,584	1,986	2,268	2,544
\$22,301 – \$25,300	—	930	1,146	1,584	1,986	2,268
\$25,301 – \$30,300	—	708	930	1,146	1,584	1,986
\$30,301 – \$35,300	—	426	456	570	708	1,116

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution Table of Grants					
Gross Income	Maximum Grant \$2,190 Number of Dependents				
	1	2	3	4	5 or more
\$0 – \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190
\$15,001 – \$16,000	1,974	2,190	2,190	2,190	2,190
\$16,001 – \$17,000	1,740	1,974	2,190	2,190	2,190
\$17,001 – \$18,000	1,542	1,740	1,974	2,190	2,190
\$18,001 – \$19,000	1,320	1,542	1,740	1,974	2,190
\$19,001 – \$22,000	1,080	1,320	1,542	1,740	1,974
\$22,001 – \$25,000	864	1,080	1,320	1,542	1,740
\$25,001 – \$28,000	648	864	1,080	1,320	1,542
\$28,001 – \$31,000	522	648	864	1,080	1,320
\$31,001 – \$32,000	420	522	648	864	1,080
\$32,001 – \$33,000	384	420	522	648	864
\$33,001 – \$34,000	354	384	420	522	648
\$34,001 – \$35,000	174	354	384	420	522
\$35,001 – \$36,000	—	174	354	384	420
\$36,001 – \$37,000	—	—	174	354	384
\$37,001 – \$38,000	—	—	—	174	354
\$38,001 – \$39,000	—	—	—	—	174

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution Table of Grants						
Gross Income	Maximum Grant \$2,190 Number of Dependents					
	0	1	2	3	4	5 or more
\$0 – \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190
\$4,801 – \$5,300	1,974	2,190	2,190	2,190	2,190	2,190
\$5,301 – \$5,800	1,740	2,082	2,190	2,190	2,190	2,190
\$5,801 – \$6,300	1,542	1,968	2,082	2,190	2,190	2,190
\$6,301 – \$6,800	1,320	1,866	1,968	2,082	2,190	2,190
\$6,801 – \$7,300	1,080	1,758	1,866	1,968	2,082	2,190
\$7,301 – \$8,300	864	1,638	1,758	1,866	1,968	2,082
\$8,301 – \$9,300	648	1,530	1,638	1,758	1,866	1,968

\$9,301 – \$10,300	522	1,422	1,530	1,638	1,758	1,866
\$10,301 – \$11,800	420	1,356	1,422	1,530	1,638	1,758
\$11,801 – \$13,300	384	1,308	1,356	1,422	1,530	1,638
\$13,301 – \$14,800	354	1,290	1,308	1,356	1,422	1,530
\$14,801 – \$16,300	174	1,164	1,290	1,308	1,356	1,422
\$16,301 – \$19,300	—	858	1,050	1,182	1,308	1,356
\$19,301 – \$22,300	—	540	750	948	1,062	1,200
\$22,301 – \$25,300	—	432	540	750	948	1,062
\$25,301 – \$30,300	—	324	432	540	750	948
\$30,301 – \$35,300	—	192	210	264	324	522

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring institutions to provide information regarding an appeal to the chancellor.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving instructional grants under this section shall report to the chancellor all students who have received instructional grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The chancellor shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

3333.12.1 Instructional grant reconciliation fund.

There is hereby established in the state treasury the state need-based financial aid reconciliation fund, which shall consist of refunds of instructional grant payments made pursuant to section 3333.12 of the Revised Code and refunds of state need-based financial aid payments made pursuant to section 3333.122 of the Revised Code. Revenues credited to the fund shall be used by the chancellor of the Ohio board of regents to pay to higher education institutions any outstanding obligations from the prior year owed for the Ohio instructional grant program and the Ohio college opportunity grant program that are identified through the annual reconciliation and financial audit. Any amount in the fund that is in excess of the amount certified to the director of budget and management by the chancellor as necessary to reconcile prior year payments under the program shall be transferred to the general revenue fund.

3333.12.2 Ohio college opportunity grant program.

(A) As used in this section:

(1) "Eligible student" means a student who is:

(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;

(b) Enrolled in either of the following:

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.

(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964.

(2) A student who participated in either the early college high school program administered by the department of education or in the post-secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs-based financial aid grant under this section.

(3) "Resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents.

(B) The chancellor shall establish and administer a needs-based financial aid program based on the United States department of education's method of determining financial need and may adopt rules to carry out this section. The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid program by such sums and in such manner as it may provide, but the chancellor may also receive funds from other sources to support the program. If the amounts available for support of the program are inadequate to provide grants to all eligible students, preference in the payment of

grants shall be given in terms of expected family contribution, beginning with the lowest expected family contribution category and proceeding upward by category to the highest expected family contribution category.

A needs-based financial aid grant shall be paid to an eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for such grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in divisions (A)(1)(a) and (b) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment.

A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution.

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.

As used in the tables in division (C) of this section:

(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

Full-time students shall be eligible to receive awards according to the following table:

Full-Time Enrollment				
If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:
\$2,101	\$2,190	\$300	\$600	\$480
2,001	2,100	402	798	642
1,901	2,000	498	1,002	798
1,801	1,900	600	1,200	960
1,701	1,800	702	1,398	1,122
1,601	1,700	798	1,602	1,278
1,501	1,600	900	1,800	1,440
1,401	1,500	1,002	1,998	1,602
1,301	1,400	1,098	2,202	1,758
1,201	1,300	1,200	2,400	1,920
1,101	1,200	1,302	2,598	2,082
1,001	1,100	1,398	2,802	2,238

901	1,000	1,500	3,000	2,400
801	900	1,602	3,198	2,562
701	800	1,698	3,402	2,718
601	700	1,800	3,600	2,280
501	600	1,902	3,798	3,042
401	500	1,998	4,002	3,198
301	400	2,100	4,200	3,360
201	300	2,202	4,398	3,522
101	200	2,298	4,602	3,678
1	100	2,400	4,800	3,840
0	0	2,496	4,992	3,996

Three-quarters-time students shall be eligible to receive awards according to the following table:

Three-Quarters-Time Enrollment

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:
\$2,101	\$2,190	\$228	\$450	\$360
2,001	2,100	300	600	480
2,001	2,100	300	600	480
1,901	2,000	372	750	600
1,801	1,900	450	900	720
1,701	1,800	528	1,050	840
1,601	1,700	600	1,200	960
1,501	1,600	678	1,350	1,080
1,401	1,500	750	1,500	1,200
1,301	1,400	822	1,650	1,320
1,201	1,300	900	1,800	1,440
1,101	1,200	978	1,950	1,560
1,001	1,100	1,050	2,100	1,680
901	1,000	1,128	2,250	1,800
801	900	1,200	2,400	1,920
701	800	1,272	2,550	2,040
601	700	1,350	2,700	2,160
501	600	1,428	2,850	2,280
401	500	1,500	3,000	2,400
301	400	1,578	3,150	2,520
201	300	1,650	3,300	2,640
101	200	1,722	3,450	2,760
1	100	1,800	3,600	2,880
0	0	1,872	3,744	3,000

Half-time students shall be eligible to receive awards according to the following table:

Half-Time Enrollment

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:
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\$2,101	\$2,190	\$150	\$300	\$240
2,001	2,100	204	402	324
1,901	2,000	252	504	402
1,801	1,900	300	600	480
1,701	1,800	354	702	564
1,601	1,700	402	804	642
1,501	1,600	450	900	720
1,401	1,500	504	1,002	804
1,301	1,400	552	1,104	882
1,201	1,300	600	1,200	960
1,101	1,200	654	1,302	1,044
1,001	1,100	702	1,404	1,122
901	1,000	750	1,500	1,200
801	900	804	1,602	1,284
701	800	852	1,704	1,362
601	700	900	1,800	1,440
501	600	954	1,902	1,524
401	500	1,002	2,004	1,602
301	400	1,050	2,100	1,680
201	300	1,104	2,202	1,764
101	200	1,152	2,304	1,842
1	100	1,200	2,400	1,920
0	0	1,248	2,496	1,998

One-quarter-time students shall be eligible to receive awards according to the following table:

One-Quarter-Time Enrollment

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:
\$2,101	\$2,190	\$78	\$150	\$120
2,001	2,100	102	198	162
1,901	2,000	126	252	198
1,801	1,900	150	300	240
1,701	1,800	174	348	282
1,601	1,700	198	402	318
1,501	1,600	228	450	360
1,401	1,500	252	498	402
1,301	1,400	276	552	438
1,201	1,300	300	600	480
1,101	1,200	324	648	522
1,001	1,100	348	702	558
901	1,000	378	750	600
801	900	402	798	642
701	800	426	852	678
601	700	450	900	720
501	600	474	948	762
401	500	498	1,002	798
301	400	528	1,050	840
201	300	552	1,098	882
101	200	576	1,152	918
1	100	600	1,200	960
0	0	624	1,248	1,002

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring institutions to provide information regarding an appeal to the chancellor.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the chancellor all students who have received needs-based financial aid grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The chancellor shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

3333.12.3 Ohio college opportunity grant program – funding preferences and priorities.

(A) As used in this section:

(1) "The Ohio college opportunity grant program" means the program established under section 3333.122 of the Revised Code.

(2) "Rules for the Ohio college opportunity grant program" means the rules authorized in division (S) of section 3333.04 of the Revised Code for the implementation of the program.

(B) In adopting rules for the Ohio college opportunity grant program, the chancellor of the Ohio board of regents may include provisions that give preferential or priority funding to low-income students who in their primary and secondary school work participate in or complete rigorous academic coursework, attain passing scores on the tests prescribed in section 3301.0710 of the Revised Code, or meet other high academic performance standards determined by the chancellor to reduce the need for remediation and ensure academic success at the postsecondary education level. Any such rules shall include a specification of procedures needed to certify student achievement of primary and secondary standards as well as the timeline for implementation of the provisions authorized by this section.

3333.13 Payments required to be made by board to public facilities commission.

(A) Money appropriated to the chancellor of the Ohio board of regents for the purposes of this division shall be paid at the times and in the amounts necessary to meet all payments required to be made by the chancellor to the Ohio public facilities commission pursuant to leases or agreements made under division (B) of section 154.21 of the Revised Code, as certified under division (C) of this section, including supplements to such certifications.

(B) The chancellor shall include in the estimate of proposed expenses submitted pursuant to section 126.02 of the Revised Code the estimated amounts of all such payments to be made by the chancellor. The chancellor shall include the estimated amounts of all such payments to be made by the chancellor in recommendations for appropriation required by division (J) of section 3333.04 of the Revised Code. The director of budget and management shall include in the state budget estimates provided for in section 126.02 of the Revised Code the estimated amount of all such payments to be made during the next biennium, and this amount shall be included in the state budget to be submitted by the governor to the general assembly pursuant to section 107.03 of the Revised Code.

(C) On the first day of July of each year, or as soon thereafter as is practicable, the chancellor or a vice-chancellor shall certify to the director the payments contracted to be made, during the period of the then current appropriations made for the purposes of division (A) of this section, to the commission by the chancellor pursuant to leases and agreements made under division (B) of section 154.21 of the Revised Code. The certification shall state the amounts and dates of payment required therefor and the amounts to be credited pursuant to such leases and agreements to the higher education bond service trust fund and other special funds established pursuant to Chapter 154. of the Revised Code. If the director finds such certification to be correct, the director shall promptly add the director's certification thereto and submit it to the treasurer of state. Such annual certification shall be supplemented in similar manner upon the execution of each new lease or agreement, any supplement to an existing lease or agreement, or any amendment thereof, affecting the amounts of those payments.

3333.14 Public post high school technical education programs.

Effective July 1, 1971, all public post high school technical education programs shall be operated by technical colleges, community colleges, university branches, state colleges, state-affiliated universities and state universities. Subject to rules and regulations adopted by the chancellor of the Ohio board of regents, the board of trustees or directors of one of the above such institutions shall adopt a plan of transition governing each public post high school technical education program not specifically identified or included in this section which is located in the geographic region of such institution as defined by the chancellor. The plan of transition shall provide for the dissolution of such technical education programs either by transfer of a program's lands, buildings, and equipment to one of the above such institutions or by complete termination of the technical education program.

3333.15 Establishment of university branch by board of trustees.

If the board of trustees of a state university fails to undertake appropriate action to establish a university branch campus within one year from the enactment of a capital improvement appropriation for the development of such university branch facility, the chancellor of the Ohio board of regents may act as the chancellor deems necessary in place of the board of trustees, including securing the release of construction planning and construction contract funds from the state controlling board. If the chancellor takes action to plan and construct a university branch in accordance with this section, the officers and staff of such university shall perform all necessary functions incident to the planning and construction of such university branch as directed by the chancellor.

3333.16 Universal course equivalency classification system for state institutions of higher education.

As used in this section "state institution of higher education" means an institution of higher education as defined in section 3345.12 of the Revised Code.

(A) The chancellor of the Ohio board of regents shall do all of the following:

(1) Establish policies and procedures applicable to all state institutions of higher education that ensure that students can begin higher education at any state institution of higher education and transfer coursework and degrees to any other state institution of higher education without unnecessary duplication or institutional barriers. The purpose of this requirement is to allow students to attain their highest educational aspirations in the most efficient and effective manner for the students and the state. These policies and procedures shall require state institutions of higher education to make changes or modifications, as needed, to strengthen course content so as to ensure equivalency for that course at any state institution of higher education.

(2) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of equivalent courses or specified learning modules or units completed by students are not inhibited by inconsistent judgment about the application of transfer credits. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution.

(3) Develop a system of transfer policies that ensure that graduates with associate degrees which include completion of approved transfer modules shall be admitted to a state institution of higher education, shall be able to compete for admission to specific programs on the same basis as students native to the institution, and shall have priority over out-of-state associate degree graduates and transfer students. To assist a student in advising and transferring, all state institutions of higher education shall fully implement the course applicability system.

(4) Examine the feasibility of developing a transfer marketing agenda that includes materials and interactive technology to inform the citizens of Ohio about the availability of transfer options at state institutions of higher education and to encourage adults to return to colleges and universities for additional education;

(5) Study, in consultation with the state board of career colleges and schools, and in light of existing criteria and any other criteria developed by the articulation and transfer advisory council, the feasibility of credit recognition and transferability to state institutions of higher education for graduates who have received associate degrees from a career college or school with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(B) All provisions of the existing articulation and transfer policy developed by the Ohio board of regents shall remain in effect except where amended by this section.

3333.16.1 Statewide system for articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs.

(A) As used in this section:

(1) "Articulation agreement" means an agreement between two or more state institutions of higher education to facilitate the transfer of students and credits between such institutions.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "Two year college" includes a community college, state community college, technical college, and university branch.

(B) The chancellor of the Ohio board of regents shall adopt rules establishing a statewide system for articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between institutions to include all of the following:

(1) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;

(2) A foundation of general studies courses that have been identified as part of the transfer module for teacher education and have been evaluated as appropriate for the preparation of teachers and consistent with the academic content standards adopted under section 3301.079 of the Revised Code;

(3) A clear identification of university faculty who are partnered with two year college faculty;

(4) The publication of the articulation agreement that is available to all students, faculty, and staff.

3333.16.2 Criteria, policies, and procedures for transfer of courses.

(A) As used in this section, "state institution of higher education" means an institution of higher education as defined in section 3345.12 of the Revised Code.

(B) By April 15, 2007, the chancellor of the Ohio board of regents, in consultation with the department of education, public adult and secondary career-technical education institutions, and state institutions of higher education, shall establish criteria, policies, and procedures that enable students to transfer agreed upon technical courses completed through an adult career-technical education institution, a public secondary career-technical institution, or a state institution of higher education to a state institution of higher education without unnecessary duplication or institutional barriers. The courses to which the criteria, policies, and procedures apply shall be those that adhere to recognized industry standards and equivalent coursework common to the secondary career pathway and adult career-technical education system and regionally accredited state institutions of higher education. Where applicable, the policies and procedures shall build upon the articulation agreement and transfer initiative course equivalency system required by section 3333.16 of the Revised Code.

3333.16.3 Standards for college credit based on advanced placement test scores.

(A) As used in this section, "state institution of higher education" has the same meaning

as in section 3345.011 of the Revised Code.

(B) Not later than April 15, 2008, the articulation and transfer advisory council of the chancellor of the Ohio board of regents shall recommend to the chancellor standards for awarding course credit toward degree requirements at state institutions of higher education based on scores attained on advanced placement examinations. The recommended standards shall include a score on each advanced placement examination that the council considers to be a passing score for which course credit may be awarded. Upon adoption of the standards by the chancellor, each state institution of higher education shall comply with the standards in awarding course credit to any student enrolled in the institution who has attained a passing score on an advanced placement examination.

3333.17 Reciprocal contracts with institutions in neighboring states for tuition and fees.

The chancellor of the Ohio board of regents may enter into contracts with the appropriate agency in a contiguous state whereby the agency provides for charging Ohio residents enrolled in state-assisted post-secondary educational institutions in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the chancellor, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

State-assisted post-secondary educational institutions in Ohio may enter into contracts with appropriate state-assisted post-secondary educational institutions in a contiguous state whereby the state-assisted post-secondary educational institution provides for charging Ohio residents enrolled in the institution in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the Ohio state-assisted post-secondary institution, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in the state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

The contracts entered into by the chancellor or a state-assisted post-secondary educational institution may limit the type of academic program offered at the reciprocal rates. Residents of contiguous states enrolled in for credit courses taught at the main campus and identified off-campus sites at state-assisted post-secondary educational institutions in Ohio under such contracts shall be included in calculating the number of full-time equivalent students for state subsidy purposes. The chancellor and each state-assisted post-secondary educational institution shall periodically assess the costs and benefits of each such contract and the extent to which parity is achieved between Ohio and the contiguous state with respect to students benefiting from the contract. All Ohio state-assisted post-secondary educational institutions participating in these contracts shall report enrollments and other information annually to the chancellor. No contract shall be entered into under this section without the approval of the chancellor. The chancellor shall report the status of these contracts to the controlling board annually.

3333.18 Reciprocal contracts with institutions in neighboring states for financial aid funds.

The chancellor of the Ohio board of regents may enter into contracts with the appropriate agency in a contiguous state whereby financial aids from the funds of each state may be used by qualified student recipients to attend approved post-secondary educational institutions in the other state. Approved institutions in Ohio are those that are state-assisted or are nonprofit and have received certificates of authorization pursuant to Chapter 1713. of the Revised Code, or are private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Eligible post-secondary educational institutions in the contiguous state shall be similarly approved by the appropriate agency of that state. In formulating and executing such contracts with a contiguous state, the chancellor shall assure that the total cost to this state approximates the total cost to the contiguous state. Any

contract entered into under this section shall be subject to the periodic review of, and approval by, the controlling board.

3333.19 Foreign exchange students – tuition and fees.

The chancellor of the Ohio board of regents may enter into agreements with the appropriate agency in a foreign country or with an agency or organization sponsoring foreign student exchanges under which the agency or organization ensures that Ohio residents enrolled in post-secondary educational institutions in the foreign country will pay tuition and fees at rates no higher than the rates charged to students who are residents of that country and under which the chancellor provides that rates for tuition and fees charged to a comparable number of students from the foreign country who are enrolled in state-assisted institutions of higher education in Ohio are to be no higher than the rates charged to students who are Ohio residents. Notwithstanding that an Ohio resident is enrolled in a post-secondary educational institution in a foreign country under one of these agreements, any such student who was previously enrolled in a state-assisted institution shall be counted as enrolled in such institution for state subsidy purposes in a manner prescribed by rules the chancellor shall adopt.

3333.20 Educational service standards for community colleges, university branches, technical colleges and state community colleges.

(A) The chancellor of the Ohio board of regents shall adopt educational service standards that shall apply to all community colleges, university branches, technical colleges, and state community colleges established under Chapters 3354., 3355., 3357., and 3358. of the Revised Code, respectively. These standards shall provide for such institutions to offer or demonstrate at least the following:

(1) An appropriate range of career or technical programs designed to prepare individuals for employment in specific careers at the technical or paraprofessional level;

(2) Commitment to an effective array of developmental education services providing opportunities for academic skill enhancement;

(3) Partnerships with industry, business, government, and labor for the retraining of the workforce and the economic development of the community;

(4) Noncredit continuing education opportunities;

(5) College transfer programs or the initial two years of a baccalaureate degree for students planning to transfer to institutions offering baccalaureate programs;

(6) Linkages with high schools to ensure that graduates are adequately prepared for post-secondary instruction;

(7) Student access provided according to a convenient schedule and program quality provided at an affordable price;

(8) That student fees charged by any institution are as low as possible, especially if the institution is being supported by a local tax levy;

(9) A high level of community involvement in the decision-making process in such critical areas as course delivery, range of services, fees and budgets, and administrative personnel.

(B) The chancellor shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate

methods for achieving or maintaining the standards adopted pursuant to division (A) of this section.

(C) In considering institutions that are co-located, the chancellor shall apply the standards to them in two manners:

(1) As a whole entity;

(2) As separate entities, applying the standards separately to each.

When distributing any state funds among institutions based on the degree to which they meet the standards, the chancellor shall provide to institutions that are co-located the higher amount produced by the two judgments under divisions (C)(1) and (2) of this section.

3333.21 Academic scholarship program – basis of award.

As used in sections 3333.21 to 3333.23 of the Revised Code, “term” and “academic year” mean “term” and “academic year” as defined by the chancellor of the Ohio board of regents. The chancellor shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the “Civil Rights Act of 1964” and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor’s degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor’s degree for which associate or bachelor’s degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

“Resident” and “full-time student” shall be defined in rules adopted by the chancellor.

The chancellor shall award the scholarships on the basis of a formula designed by the chancellor to identify students with the highest capability for successful college study. The formula shall weigh the factor of achievement, as measured by grade point average, and the factor of ability, as measured by performance on a competitive examination specified by the chancellor. Students receiving scholarships shall be known as “Ohio academic scholars.” Annually, not later than the thirty-first day of July, the chancellor shall report to the governor and the general assembly on the performance of current Ohio academic scholars and the effectiveness of the formula.

3333.22 Award and renewal of scholarship - leave of absence.

Each Ohio academic scholarship shall be awarded for an academic year and may be renewed for each of three additional academic years. The scholarship amount awarded to a scholar for an academic year shall be not less than two thousand dollars. A scholarship shall be renewed if the scholar maintains an academic record satisfactory to the chancellor of the Ohio board of regents and meets any of the following conditions:

(A) The scholar is enrolled as a full-time undergraduate;

(B) The scholar was awarded an undergraduate degree in less than four academic years and is enrolled as a full-time graduate or professional student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted or is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code;

(C) The scholar is a full-time student concurrently enrolled as an undergraduate student and as a graduate or professional student in an Ohio institution of higher education that meets the requirements of division (B) of this section.

Each amount awarded shall be paid in equal installments to the scholar at the time of enrollment for each term of the academic year for which the scholarship is awarded or renewed. No scholar is eligible to receive an Ohio academic scholarship for more than the equivalent of four academic years.

If an Ohio academic scholar is temporarily unable to attend school because of illness or other cause satisfactory to the chancellor, the chancellor may grant a leave of absence for a designated period of time. If a scholar discontinues full-time attendance at the scholar's school during a term because of illness or other cause satisfactory to the chancellor, the scholar may either claim a prorated payment for the period of actual attendance or waive payment for that term. A term for which prorated payment is made shall be considered a full term for which a scholarship was received. A term for which payment is waived shall not be considered a term for which a scholarship was received.

Receipt of an Ohio academic scholarship shall not affect a scholar's eligibility for the Ohio instructional grant program.

3333.23 Scholastic record sent to chancellor – suspension or revocation of scholarship.

At the end of each term, each Ohio academic scholar shall request the registrar of the school to send a copy of the scholar's scholastic record to the chancellor of the Ohio board of regents. If the scholar's record fails to meet the standards established by the chancellor, further payments shall be suspended until the scholar demonstrates promise of successful progress in the academic program for which the award was made. The chancellor may revoke the scholarship if the scholar does not resume successful academic progress within a reasonable time.

3333.24 Academic scholarship payment fund.

There is hereby created the Ohio academic scholarship payment fund, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. The fund shall consist of all moneys appropriated for the fund by the general assembly and other moneys otherwise made available to the fund. The payment fund shall be used for the payment of Ohio academic scholarships or for additional scholarships to recognize outstanding academic achievement and ability. The chancellor of the Ohio board of regents shall administer this section and establish rules for the distribution and awarding of any additional scholarships.

The chancellor may direct the treasurer of state to invest any moneys in the payment fund not currently needed for scholarship payments, in any kinds of investments in which moneys of the public employees retirement system may be invested.

The instruments of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code. The treasurer of state shall collect both principal and investment earnings on all investments as they become due and pay them into the fund. All deposits to the fund shall be made in financial institutions of this state secured as provided in section 135.18 of the Revised Code.

3333.26 Waiving tuition for child or spouse of public service officer killed in line of duty.

(A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between April 6, 1917, and November 11, 1918, and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.

(B)(1) As used in this division:

(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code.

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.

(c) "Qualified former spouse" means the former spouse of a public service officer, or of a member of the armed services of the United States, who is the custodial parent of a minor child of that marriage pursuant to an order allocating the parental rights and responsibilities for care of the child issued pursuant to section 3109.04 of the Revised Code.

(d) "Operation enduring freedom" means that period of conflict which began October 7, 2001, and ends on a date declared by the president of the United States or the congress.

(e) "Operation Iraqi freedom" means that period of conflict which began March 20, 2003, and ends on a date declared by the president of the United States or the congress.

(f) "Combat zone" means an area that the president of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans scholarship board reduces the percentage of tuition covered by a war orphans scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom shall be reduced by the same percentage.

(3) Any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

(4) Any resident of this state who is the spouse or qualified former spouse of a member of the armed services of the United States killed in the line of duty while serving in a combat zone after May 7, 1975, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332. of the Revised Code, a valid certificate issued under Chapter 4709. of the Revised Code, or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code, or that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, which reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the chancellor of the Ohio board of regents shall be eligible to receive a grant in that amount from the chancellor.

Each institution that enrolls students under division (B) of this section shall report to the chancellor, by the first day of July of each year, the number of students who were so enrolled and the average amount of all such tuition and student fees waived during the preceding year. The chancellor shall determine the average amount of all such tuition and student fees waived during the preceding year. The average amount of the tuition and student fees waived under division (B) of this section during the preceding year shall be the amount of grants that participating institutions shall receive under this division during the current year, but no grant under this division shall exceed the tuition and student fees due and payable by the student prior to the reduction referred to in this division. The grants shall be made for four years of undergraduate education of an eligible student.

3333.27 Student choice grant program.

As used in this section:

(A) "Eligible institution" means a nonprofit Ohio institution of higher education that holds a certificate of authorization issued under section 1713.02 of the Revised Code and meets the requirements of Title VI of the Civil Rights Act of 1964.

(B) "Resident" and "full-time student" have the meanings established for purposes of this section by rule of the chancellor of the Ohio board of regents.

The chancellor shall establish and administer a student choice grant program and shall adopt rules for the administration of the program.

The chancellor may make a grant to any resident of this state who is enrolled as a full-time student in a bachelor's degree program at an eligible institution and maintains an academic record that meets or exceeds the standard established pursuant to this section by rule of the chancellor, except that no grant shall be made to any individual who was enrolled as a student in an institution of higher education on or before July 1, 1984, or is serving a term of imprisonment. The grant shall not exceed the lesser of the total instructional and general charges of the institution in which the student is enrolled, or an amount equal to one-fourth of the total of any state instructional subsidy amount distributed by the chancellor in the second fiscal year of the preceding biennium for all full-time students enrolled in bachelor's degree programs at four-year state-assisted institutions of higher education divided by the sum of the actual number of full-time students enrolled in bachelor's degree programs at four-year state-assisted institutions of higher education reported to the chancellor for such year by the institutions to which the subsidy was distributed.

The chancellor shall prescribe the form and manner of application for grants including the manner of certification by eligible institutions that each applicant from such institution is enrolled in a bachelor's degree program as a full-time student and has an academic record that meets or exceeds the standard established by the chancellor.

A grant awarded to an eligible student shall be paid to the institution in which the student is enrolled, and the institution shall reduce the student's instructional and general charges by the amount of the grant. Each grant awarded shall be prorated and paid in equal installments at the time of enrollment for each term of the academic year for which the grant is awarded. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years.

The receipt of an Ohio student choice grant shall not affect a student's eligibility for assistance, or the amount of such assistance, granted under section 3315.33, 3333.12, 3333.122, 3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code. If a student receives assistance under one or more of such sections, the student choice grant made to the student shall not exceed the difference between the amount of assistance received under such sections and the total instructional and general charges of the institution in which the student is enrolled.

The general assembly shall support the student choice grant program by such sums and in such manner as it may provide, but the chancellor may also receive funds from other sources to support the program.

No grant shall be made to any student enrolled in a course of study leading to a degree in theology, religion, or other field of preparation for a religious profession unless the course of study leads to an accredited bachelor of arts or bachelor of science degree.

Institutions of higher education that enroll students receiving grants under this section shall report to the chancellor the name of each student who has received such a grant but who is no longer eligible for all or part of such grant and shall refund all moneys due to the state within thirty days after the beginning of the term immediately following the term in which the student was no longer eligible to receive all or part of the grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The chancellor shall immediately notify the office of budget and management and the legislative service commission of all refunds received.

3333.28 Nurse education assistance program - fund.

(A) The chancellor of the Ohio board of regents shall establish the nurse education assistance program, the purpose of which shall be to make loans to students enrolled in prelicensure nurse education programs at institutions approved by the board of nursing under section 4723.06 of the Revised Code and postlicensure nurse education programs approved by the chancellor under section 3333.04 of the Revised Code or offered by an institution holding a certificate of authorization issued under Chapter 1713. of the Revised Code. The board of nursing shall assist the chancellor in administering the program.

(B) There is hereby created in the state treasury the nurse education assistance fund, which shall consist of all money transferred to it pursuant to section 4743.05 of the Revised Code. The fund shall be used by the chancellor for loans made under division (A) of this section and for expenses of administering the loan program.

(C) Between July 1, 2005, and January 1, 2012, the chancellor shall distribute money in the nurse education assistance fund in the following manner:

(1)(a) Fifty per cent of available funds shall be awarded as loans to registered nurses enrolled in postlicensure nurse education programs described in division (A) of this section. To be eligible for a loan, the applicant shall provide the chancellor with a letter of intent to practice as a faculty member at a prelicensure or postlicensure program for nursing in this state upon completion of the applicant's academic program.

(b) If the borrower of a loan under division (C)(1)(a) of this section secures employment as a faculty member of an approved nursing education program in this state within six months following graduation from an approved nurse education program, the chancellor may forgive the principal and interest of the student's loans received under division (C)(1)(a) of this section at a rate of twenty-five per cent per year, for a maximum of four years, for each year in which the borrower is so employed. A deferment of the service obligation, and other conditions regarding the forgiveness of loans may be granted as provided by the rules adopted under division (D)(7) of this section.

(c) Loans awarded under division (C)(1)(a) of this section shall be awarded on the basis of the student's expected family contribution, with preference given to those applicants with the lowest expected family contribution. However, the chancellor may consider other factors the chancellor determines relevant in ranking the applications.

(d) Each loan awarded to a student under division (C)(1)(a) of this section shall be not less than five thousand dollars per year.

(2) Twenty-five per cent of available funds shall be awarded to students enrolled in prelicensure nurse education programs for registered nurses, as defined in section 4723.01 of the Revised Code.

(3) Twenty-five per cent of available funds shall be awarded to students enrolled in prelicensure professional nurse education programs for licensed practical nurses, as defined in section 4723.01 of the Revised Code.

After January 1, 2012, the chancellor shall determine the manner in which to distribute loans under this section.

(D) Subject to the requirements specified in division (C) of this section, the chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code establishing:

(1) Eligibility criteria for receipt of a loan;

(2) Loan application procedures;

(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;

(4) The total amount of loans that can be made each year;

(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;

(6) Interest and principal repayment schedules;

(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;

(8) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;

(9) Any other matters incidental to the operation of the program.

(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.

(F) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 3333.27, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.

3333.31 Rules for determining student residency.

(A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of the Ohio board of regents by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The

term “resident” for these purposes shall not be equated with the definition of that term as it is employed elsewhere under the laws of this state and other states, and shall not carry with it any of the legal connotations appurtenant thereto. Rather, for such purposes, the rule promulgated under this section shall have the objective of excluding from treatment as residents those who are present in the state primarily for the purpose of attending a state-supported or state-assisted institution of higher education, and may prescribe presumptive rules, rebuttable or conclusive, as to such purpose based upon the source or sources of support of the student, residence prior to first enrollment, evidence of intention to remain in the state after completion of studies, or such other factors as the chancellor deems relevant.

(B) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall include both of the following documents:

(1) A sworn statement from the employer or the employer’s representative on the letterhead of the employer or the employer’s representative certifying that the parent or spouse of the student is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has established domicile, a letter from the owner of the residence certifying that the parent or spouse resides at that residence.

Residency officers may also evaluate, in accordance with the chancellor’s rule, requests for immediate residency status from dependent students whose parents are not living and whose domicile follows that of a legal guardian who has accepted full-time employment and established domicile in the state for reasons other than gaining the benefit of favorable tuition rates.

(C) “Dependent,” “domicile,” “institution of higher education,” and “residency officer” have the meanings ascribed in the chancellor’s rules adopted under this section.

3333.32 Contract with Ohio employer of resident of contiguous state.

For purposes of state subsidy and tuition and fee surcharges, a student attending a state university listed in section 3345.01.1 of the Revised Code, a community college, a technical college, a university branch, or a state community college has resident status if all of the following conditions apply:

(A) The student resides in a contiguous state.

(B) The student is employed in Ohio by a business, organization, or government agency located in Ohio.

(C) The employer enters into a contract with the institution of higher education under which the employer pays all of the student’s tuition and fees directly to the institution and agrees not to charge or seek reimbursement from the student in any manner for any part of the tuition and fees.

3333.33 Report describing dual enrollment programs.

The chancellor of the Ohio board of regents, in collaboration with the state board of education, shall publish an annual report describing dual enrollment programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic high schools. The chancellor shall submit the report to the governor, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the superintendent of public instruction, and the president of the state board of education. The chancellor also shall post the report on the chancellor's web site.

3333.34 College-level certificates transferable to college credit.

(A) As used in this section:

(1) "Pre-college stackable certificate" means a certificate earned before an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the chancellor of the Ohio board of regents and the department of education.

(2) "College-level certificate" means a certificate earned while an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the chancellor and the department of education.

(B) The chancellor and the department of education shall create a system of pre-college stackable certificates to provide a clear and accessible path for adults seeking to advance their education. The system shall do all of the following:

(1) Be uniform across the state;

(2) Be available from an array of providers, including adult career centers, institutions of higher education, and employers;

(3) Be structured to respond to the expectations of both the workplace and higher education;

(4) Be articulated in a way that ensures the most effective interconnection of competencies offered in specialized training programs;

(5) Establish standards for earning pre-college certificates;

(6) Establish transferability of pre-college certificates to college credit.

(C) The chancellor shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.

3333.35 Cooperative efforts with state board of education and board of regents.

The state board of education and the chancellor of the Ohio board of regents shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, enhance the post-secondary enrollment options program in accordance with Chapter 3365. of the Revised Code, and enhance the alternative educator licensure program in accordance with section 3319.26 of the Revised Code.

3333.37 Outstanding scholarship, priority needs fellowship program definitions.

As used in sections 3333.37 to 3333.375 of the Revised Code, the following words and terms have the following meanings unless the context indicates a different meaning or intent:

(A) "Cost of attendance" means all costs of a student incurred in connection with a program of study at an eligible institution, as determined by the institution, including tuition; instructional fees; room and board; books, computers, and supplies; and other related fees, charges, and expenses.

(B) "Eligible institution" means one of the following:

(1) A state-assisted post-secondary educational institution within the state;

(2) A nonprofit institution of higher education within the state that holds a certificate of authorization issued under Chapter 1713. of the Revised Code, that is accredited by the appropriate regional and, when appropriate, professional accrediting associations within whose jurisdiction it falls, is authorized to grant a bachelor's degree or higher, and satisfies other conditions as set forth in the policy guidelines;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(C) "Eligible student" means either of the following:

(1) An undergraduate student who meets all of the following:

(a) Is a resident of this state;

(b) Has graduated from any Ohio secondary school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code;

(c) Is attending and in good standing, or has been accepted for attendance, at any eligible institution as a full-time student to pursue a bachelor's degree.

(2) A graduate student who is a resident of this state, and is attending and in good standing, or has been accepted for attendance, at any eligible institution.

(D) "Fellowship" or "fellowship program" means the Ohio priority needs fellowship created by sections 3333.37 to 3333.375 of the Revised Code.

(E) "Full-time student" has the meaning as defined by rule of the chancellor of the Ohio board of regents.

(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code.

(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code.

(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code.

(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that support the purposes and intent of sections 3333.37 to 3333.375 of the Revised Code as described in section 3333.371 of the Revised Code.

(J) "Scholarship" or "scholarship program" means the Ohio outstanding scholarship created by sections 3333.37 to 3333.375 of the Revised Code.

3333.37.1 Purposes of scholarship and fellowship programs.

The purposes of sections 3333.37 to 3333.37.5 of the Revised Code are to create both of the following:

(A) A scholarship program for undergraduate students who are residents of this state and are pursuing a baccalaureate degree in any field of study to encourage the retention of Ohio outstanding students;

(B) A fellowship program for graduate students who are residents of this state for attendance at Ohio institutions of higher education to encourage such students to pursue fields of study that are determined to be a priority for the state in advancing its economic, technological, and academic interests.

3333.37.2 Outstanding scholarship and priority needs fellowship programs.

(A) There are hereby authorized the "Ohio outstanding scholarship" and the "Ohio priority needs fellowship" programs, which shall be established and administered by the chancellor of the Ohio board of regents for eligible students. The programs shall provide scholarships to eligible undergraduate students and fellowships to eligible graduate students, equal to the annual cost of attendance at eligible institutions, to pursue baccalaureate degrees and post-baccalaureate degrees in priority needs field of study consistent with section 3333.371 of the Revised Code.

(B) The scholarship and fellowship programs created under sections 3333.37 to 3333.375 of the Revised Code and any necessary administrative expenses shall be funded solely from the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds established pursuant to section 3333.375 of the Revised Code.

(C) The scholarships shall be renewable for each of three additional years for undergraduate study, and the fellowships shall be renewable for each of two additional years for graduate study, provided the Ohio outstanding scholar or priority needs fellow remains an eligible student at an eligible institution.

3333.37.3 Scholarship rules advisory committee.

(A) The scholarship rules advisory committee is hereby established. The committee shall consist of the chancellor of the Ohio board of regents or the chancellor's designee, the treasurer of state or the treasurer of state's designee, the director of development or the director's designee, one state senator appointed by the president of the senate, one state representative appointed by the speaker of the house of representatives, and two public members appointed by the chancellor representing the interests of the state-assisted eligible institutions and private nonprofit eligible institutions, respectively.

(B) The committee shall provide recommendations to the chancellor as to rules, criteria, and guidelines necessary and appropriate to implement the scholarship and fellowship programs created by sections 3333.37 to 3333.375 of the Revised Code.

(C) The committee shall meet at least annually to review the scholarship and fellowship programs guidelines; make recommendations to amend, rescind, or modify the policy guidelines; and approve scholarship and fellowship awards to eligible students.

(D) Sections 101.82 to 101.87 of the Revised Code do not apply to this section.

3333.37.4 Rules establishing scholarship policy guidelines.

(A) After receipt of recommendations from the scholarship rules advisory committee or if no recommendations are received, the chancellor of the Ohio board of regents, with the approval of the treasurer of state, shall adopt rules, in accordance with Chapter 119. of the Revised Code, establishing policy guidelines for the implementation of the scholarship and fellowship programs.

(B) Nothing in this section or section 3333.373 of the Revised Code shall prevent the chancellor, with the approval of the treasurer of state, from amending or rescinding rules adopted pursuant to division (A) of this section, or from adopting new rules, in accordance with Chapter 119. of the Revised Code, from time to time as are necessary to further the purposes of sections 3333.37 to 3333.375 of the Revised Code.

3333.37.5 Ohio outstanding scholarship and Ohio priority needs fellowship programs payment funds.

(A)(1) There are hereby created the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds, which shall be in the custody of the treasurer of state, but shall not be a part of the state treasury.

(2) The payment funds shall consist solely of all moneys returned to the treasurer of state, as issuer of certain tax-exempt student loan revenue bonds, from all indentures of trust, both presently existing and future, created as a result of tax-exempt student loan revenue bonds issued under Chapter 3366. of the Revised Code, and any moneys earned from allowable investments of the payment funds under division (B) of this section.

(3) The payment funds shall be used solely for scholarship and fellowships awarded under sections 3333.37 to 3333.375 of the Revised Code by the chancellor of the Ohio board of regents and for any necessary administrative expenses incurred by the chancellor in administering the scholarship and fellowship programs.

(B) The treasurer of state may invest any moneys in the payment funds not currently needed for scholarship and fellowship payments in any kind of investments in which moneys of the public employees retirement system may be invested under Chapter 145. of the Revised Code.

(C)(1) The instruments of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code.

(2) The treasurer of state shall collect both principal and investment earnings on all investments as they become due and pay them into the payment funds.

(3) All deposits to the payment funds shall be made in public depositories of this state and secured as provided in section 135.18 of the Revised Code.

(D) On or before March 1, 2001, and on or before the first day of March in each subsequent year, the treasurer of state shall provide to the chancellor of the Ohio board of regents a statement indicating the moneys in the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds that are available for the upcoming academic year to award scholarships and fellowships under sections 3333.37 to 3333.375 of the Revised Code.

3333.38 Ineligibility for student financial assistance supported by state funds.

(A) As used in this section:

(1) "Institution of higher education" includes all of the following:

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;

(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students.

3333.40 Midwestern Higher Education Compact.

The Midwestern Higher Education Compact is hereby ratified, enacted into law, and entered into by this state as a party thereto with any other state that has heretofore legally joined in the compact and that may hereafter legally join in the compact as follows:

"MIDWESTERN HIGHER EDUCATION COMPACT"

Article I. Purpose

The purpose of the midwestern higher education compact shall be to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the

several states which are parties to this compact.

Article II. The Commission

(A) The compacting states hereby create the midwestern higher education commission, hereinafter called the commission. The commission shall be a body corporate of each compacting state. The commission shall have all the responsibilities, powers, and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with terms of this compact.

(B) The commission shall consist of five resident members of each state as follows: the governor or the governor's designee who shall serve during the tenure of office of the governor; two legislators, one from each house (except Nebraska, which may appoint two legislators from its unicameral legislature), who shall serve two-year terms and be appointed by the appropriate appointing authority in each house of the legislature; and two other at-large members, at least one of whom shall be selected from the field of higher education. The at-large members shall be appointed in a manner provided by the laws of the appointing state. One of the two at-large members initially appointed in each state shall serve a two-year term. The other, and any regularly appointed successor to either at-large member, shall serve a four-year term. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term.

(C) The commission shall select annually, from among its members, a chairperson, a vice-chairperson, and a treasurer.

(D) The commission shall appoint an executive director who shall serve at its pleasure and who shall act as secretary to the commission. The treasurer, the executive director, and such other personnel as the commission may determine shall be bonded in such amounts as the commission may require.

(E) The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a majority of the commission members of three or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(F) Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

Article III. Powers and Duties of the Commission

(A) The commission shall adopt a seal and suitable bylaws governing its management and operations.

(B) Irrespective of the civil service, personnel, or other merit system laws of any of the compacting states, the commission in its bylaws shall provide for the personnel policies and programs of the compact.

(C) The commission shall submit a budget to the governor and legislature of each compacting state at such time and for such period as may be required. The budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the compacting states.

(D) The commission shall report annually to the legislatures and governors of the compacting states, to the midwestern governors' conference and to the midwestern legislative conference of the council of state governments concerning the activities of the commission during

the preceding year. Such reports shall also embody any recommendations that may have been adopted by the commission.

(E) The commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, foundation, person, firm, or corporation.

(F) The commission may accept for any of its purposes and functions under the compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, foundation, person, firm, or corporation, and may receive, utilize, and dispose of the same.

(G) The commission may enter into agreements with any other interstate education organizations or agencies and with higher education institutions located in nonmember states and with any of the various states of these United States to provide adequate programs and services in higher education for the citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and interstate organizations or agencies, determine the cost of providing the programs and services in higher education for use in these agreements.

(H) The commission may establish and maintain offices, which shall be located within one or more of the compacting states.

(I) The commission may establish committees and hire staff as it deems necessary for the carrying out of its functions.

(J) The commission may provide for actual and necessary expenses for attendance of its members at official meetings of the commission or its designated committees.

Article IV. Activities of the Commission

(A) The commission shall collect data on the long-range effects of the compact on higher education. By the end of the fourth year from the effective date of the compact and every two years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislatures of the compacting states on the continuance of the compact.

(B) The commission shall study issues in higher education of particular concern to the midwestern region. The commission shall also study the needs for higher education programs and services in the compacting states and the resources for meeting such needs. The commission shall, from time to time, prepare reports on such research for presentation to the governors and legislatures of the compacting states and other interested parties. In conducting such studies, the commission may confer with any national or regional planning body. The commission may draft and recommend to the governors and legislatures of the various compacting states suggested legislation dealing with problems of higher education.

(C) The commission shall study the need for provision of adequate programs and services in higher education, such as undergraduate, graduate, or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter into such agreements with any higher education institution and with any of the compacting states to provide programs and services in higher education for the citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and the compacting states, determine the cost of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute the funds not otherwise provided, as determined by the commission, for carrying out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.

(D) The commission shall serve as a clearinghouse on information regarding higher education activities among institutions and agencies.

(E) In addition to the activities of the commission previously noted, the commission may provide services and research in other areas of regional concern.

Article V. Finance

(A) The moneys necessary to finance the general operations of the commission not otherwise provided for in carrying forth its duties, responsibilities, and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states.

(B) The commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(C) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(D) The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states and persons authorized by the commission.

Article VI. Eligible Parties and Entry into Force

(A) The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin shall be eligible to become party to this compact. Additional states will be eligible if approved by a majority of the compacting states.

(B) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law, provided that it shall not become initially effective until enacted into law by five states prior to the thirty-first day of December, 1995.

(C) Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

Article VII. Withdrawal, Default, and Termination

(A) Any compacting state may withdraw from this compact by enacting a statute repealing the compact, but such withdrawal shall not become effective until two years after the enactment of such statute. A withdrawing state shall be liable for any obligations which it may have incurred on account of its party status up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it shall remain liable to the extent of such obligation.

(B) If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges, and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within

the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other member states. Any such defaulting state may be reinstated by performing all acts and obligations as stipulated by the commission.

Article VIII. Severability and Construction

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof."

3333.41 Members of commission.

(A) As provided in Article II, paragraph (B) of the midwestern higher education compact in section 3333.40 of the Revised Code:

(1) The governor, or a person he designates, shall serve as a member of the midwestern higher education commission during the tenure in office of the governor.

(2) The president of the senate shall appoint one member of the senate to the midwestern higher education commission to serve a two-year term.

(3) The speaker of the house of representatives shall appoint one member of the house of representatives to the midwestern higher education commission to serve a two-year term.

(4) The governor, with the advice and consent of the senate, shall appoint two at-large members from this state to the midwestern higher education commission. At least one of these members shall be from the field of higher education. Of the two at-large members initially appointed, the governor shall appoint one for a two-year term and the other for a four-year term. All succeeding at-large members shall serve four-year terms.

Each member appointed from this state to the midwestern higher education commission shall serve from the date of his appointment until the end of the term for which he was appointed. Any vacancy in the members appointed from this state shall be filled in the manner provided by this section for the original appointments. Any member filling a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve for the remainder of that term. A member shall continue to serve subsequent to the expiration date of his term until the date on which his successor is appointed or, in the case of the governor, takes office.

(B) As used in Article V, paragraph (D) of the midwestern higher education compact in section 3333.40 of the Revised Code, "duly authorized representative" for this state means the auditor of state or a person designated by him to make the inspection described in that article and paragraph of the compact.

3333.99 Governing boards of state institutions retain lawfully conferred powers.

Except as expressly provided in Chapter 3333. nothing in such Chapter shall be construed to deprive the governing boards of the state colleges and universities of the duties and powers conferred upon them by law in the government of the institutions under their control.

Chapter 3334

College Savings Program

3334.01 College savings program – variable college savings program definitions.

As used in this chapter:

(A) “Aggregate original principal amount” means the aggregate of the initial offering prices to the public of college savings bonds, exclusive of accrued interest, if any. “Aggregate original principal amount” does not mean the aggregate accreted amount payable at maturity or redemption of such bonds.

(B) “Beneficiary” means:

(1) An individual designated by the purchaser under a tuition payment contract or through a scholarship program as the individual on whose behalf tuition units purchased under the contract or awarded through the scholarship program will be applied toward the payment of undergraduate, graduate, or professional tuition; or

(2) An individual designated by the contributor under a variable college savings program contract as the individual whose tuition and other higher education expenses will be paid from a variable college savings program account.

(C) “Capital appreciation bond” means a bond for which the following is true:

(1) The principal amount is less than the amount payable at maturity or early redemption; and

(2) No interest is payable on a current basis.

(D) “Tuition unit” means a credit of the Ohio tuition trust authority purchased under section 3334.09 of the Revised Code. “Tuition unit” includes a tuition credit purchased prior to July 1, 1994.

(E) “College savings bonds” means revenue and other obligations issued on behalf of the state or any agency or issuing authority thereof as a zero-coupon or capital appreciation bond, and designated as college savings bonds as provided in this chapter. “College savings bond issue” means any issue of bonds of which any part has been designated as college savings bonds.

(F) “Institution of higher education” means a state institution of higher education, a private college, university, or other postsecondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code, or an accredited college, university, or other postsecondary institution located outside this state that is accredited by an accrediting organization or professional association recognized by the authority. To be considered an institution of higher education, an institution shall meet the definition of an eligible educational institution under section 529 of the Internal Revenue Code.

(G) “Issuing authority” means any authority, commission, body, agency, or individual empowered by the Ohio Constitution or the Revised Code to issue bonds or any other debt obligation of the state or any agency or department thereof. “Issuer” means the issuing authority or, if so designated under division (B) of section 3334.04 of the Revised Code, the treasurer of state.

(H) "Tuition" means the charges imposed to attend an institution of higher education as an undergraduate, graduate, or professional student and all fees required as a condition of enrollment, as determined by the Ohio tuition trust authority. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(I) "Weighted average tuition" means the tuition cost resulting from the following calculation:

(1) Add the products of the annual undergraduate tuition charged to Ohio residents at each four-year state university multiplied by that institution's total number of undergraduate fiscal year equated students; and

(2) Divide the gross total of the products from division (I)(1) of this section by the total number of undergraduate fiscal year equated students attending four-year state universities.

When making this calculation, the "annual undergraduate tuition charged to Ohio residents" shall not incorporate any tuition reductions that vary in amount among individual recipients and that are awarded to Ohio residents based upon their particular circumstances, beyond any minimum amount awarded uniformly to all Ohio residents. In addition, any tuition reductions awarded uniformly to all Ohio residents shall be incorporated into this calculation.

(J) "Zero-coupon bond" means a bond which has a stated interest rate of zero per cent and on which no interest is payable until the maturity or early redemption of the bond, and is offered at a substantial discount from its original stated principal amount.

(K) "State institution of higher education" includes the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, state community colleges created pursuant to Chapter 3358. of the Revised Code, and the northeastern Ohio universities college of medicine.

(L) "Four-year state university" means those state universities listed in section 3345.011 of the Revised Code.

(M) "Principal amount" refers to the initial offering price to the public of an obligation, exclusive of the accrued interest, if any. "Principal amount" does not refer to the aggregate accreted amount payable at maturity or redemption of an obligation.

(N) "Scholarship program" means a program registered with the Ohio tuition trust authority pursuant to section 3334.17 of the Revised Code.

(O) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended.

(P) "Other higher education expenses" means room and board and books, supplies, equipment, and nontuition-related fees associated with the cost of attendance of a beneficiary at an institution of higher education, but only to the extent that such expenses meet the definition of "qualified higher education expenses" under section 529 of the Internal Revenue Code. "Other higher education expenses" does not include tuition as defined in division (H) of this section.

(Q) "Purchaser" means the person signing the tuition payment contract, who controls the account and acquires tuition units for an account under the terms and conditions of the contract.

(R) "Contributor" means a person who signs a variable college savings program contract with the Ohio tuition trust authority and contributes to and owns the account created under the contract.

(S) "Contribution" means any payment directly allocated to an account for the benefit of the designated beneficiary of the account.

3334.02 College savings program created; variable program.

(A) In order to help make higher education affordable and accessible to all citizens of Ohio, to maintain state institutions of higher education by helping to provide a stable financial base to these institutions, to provide the citizens of Ohio with financing assistance for higher education and protection against rising tuition costs, to encourage saving to enhance the ability of citizens of Ohio to obtain financial access to institutions of higher education, to encourage elementary and secondary students in this state to achieve academic excellence, and to promote a well-educated and financially secure population to the ultimate benefit of all citizens of the state of Ohio, there is hereby created the Ohio college savings program. The program shall consist of the issuance of college savings bonds and the sale of tuition units.

(B) The provisions of Chapter 1707. of the Revised Code shall not apply to tuition units or any agreement or transaction related thereto.

(C) To provide the citizens of Ohio with a choice of tax-advantaged college savings programs and the opportunity to participate in more than one type of college savings program at a time, the Ohio tuition trust authority shall establish and administer a variable college savings program as a qualified state tuition program under section 529 of the Internal Revenue Code. The program shall allow contributors to make cash contributions to variable college savings program accounts created for the purpose of paying future tuition and other higher education expenses and providing variable rates of return on contributions.

(D) A person may participate simultaneously in both the Ohio college savings program and the variable college savings program.

3334.03 Tuition trust authority created.

(A) There is hereby created the Ohio tuition trust authority, which shall have the powers enumerated in this chapter and which shall operate as a qualified state tuition program within the meaning of section 529 of the Internal Revenue Code. The exercise by the authority of its powers shall be and is hereby declared an essential state governmental function. The authority is subject to all provisions of law generally applicable to state agencies which do not conflict with the provisions of this chapter.

(B) The Ohio tuition trust authority shall consist of eleven members, no more than six of whom shall be of the same political party. Six members shall be appointed by the governor with the advice and consent of the senate as follows: one shall represent state institutions of higher education, one shall represent private nonprofit colleges and universities located in Ohio, one shall have experience in the field of marketing or public relations, one shall have experience in the field of information systems design or management, and two shall have experience in the field of banking, investment banking, insurance, or law. Four members shall be appointed by the speaker of the house of representatives and the president of the senate as follows: the speaker of the house of representatives shall appoint one member of the house from each political party and the president of the senate shall appoint one member of the senate from each political party. The chancellor of the board of regents shall be an ex officio voting member; provided, however, that the chancellor may designate a vice-chancellor of the board of regents to serve as the chancellor's representative. The political party of the chancellor shall be deemed the political party of the designee for purposes of determining that no more than six members are of the same political party.

Initial gubernatorial appointees to the authority shall serve staggered terms, with two terms expiring on January 31, 1991, one term expiring on January 31, 1992, and one term expiring on January 31, 1993. The governor shall appoint two additional members to the authority no later than thirty days after March 30, 1999, and their initial terms shall expire January 31, 2002. Thereafter, terms of office for gubernatorial appointees shall be for four years. The initial terms

of the four legislative members shall expire on January 31, 1991. Thereafter, legislative members shall serve two-year terms, provided that legislative members may continue to serve on the authority only if they remain members of the general assembly. Any vacancy on the authority shall be filled in the same manner as the original appointment, except that any person appointed to fill a vacancy shall be appointed to the remainder of the unexpired term. Any member is eligible for reappointment.

(C) Any member may be removed by the appointing authority for misfeasance, malfeasance, or willful neglect of duty or for other cause after notice and a public hearing, unless the notice and hearing are waived in writing by the member. Members shall serve without compensation but shall receive their reasonable and necessary expenses incurred in the conduct of authority business.

(D) The speaker of the house of representatives and the president of the senate shall each designate a member of the authority to serve as co-chairpersons. The six gubernatorial appointees and the chancellor of the board of regents or the chancellor's designee shall serve as the executive committee of the authority, and shall elect an executive chairperson from among the executive committee members. The authority and the executive committee may elect such other officers as determined by the authority or the executive committee respectively. The authority shall meet at least annually at the call of either co-chairperson and at such other times as either co-chairperson or the authority determines necessary. In the absence of both co-chairpersons, the executive chairperson shall serve as the presiding officer of the authority. The executive committee shall meet at the call of the executive chairperson or as the executive committee determines necessary. The authority may delegate to the executive committee such duties and responsibilities as the authority determines appropriate, except that the authority may not delegate to the executive committee the final determination of the annual price of a tuition unit, the final designation of bonds as college savings bonds, or the employment of an executive director of the authority. Upon such delegation, the executive committee shall have the authority to act pursuant to such delegation without further approval or action by the authority. A majority of the authority shall constitute a quorum of the authority, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the authority. A majority of the executive committee shall constitute a quorum of the executive committee, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the executive committee. No vacancy in the membership of the authority or the executive committee shall impair the rights of a quorum to exercise all rights and perform all duties of the authority or the executive committee respectively.

3334.04 College savings bonds

(A) Any bonds authorized for issuance by any issuing authority may, with the approval of the Ohio tuition trust authority and at the option of the issuing authority, be designated as college savings bonds in accordance with this chapter. Bonds so designated shall be known as college savings bonds. The issuer shall sell as college savings bonds as many bonds from such an issue as is practical.

(B) Issuing authorities designating bonds as a college savings bonds issue, with the approval of the authority, may delegate to the treasurer of state the powers and duties related to the issuance and retirement of the bonds as provided by law. The financing costs, including the expenses incurred by the treasurer of the state in performing the powers and duties, are payable as provided in the bond proceedings from the bond proceeds, special funds, or other moneys available.

(C) In connection with the authority granted by division (B) of this section, the issuer, with the approval of the authority, may contract for services of financial consultants, accounting experts, marketing, remarketing, underwriter and administrative agents, and other consultants and independent contractors as the issuer determines necessary to carry out such powers and duties.

(D) Notwithstanding any limitation to the contrary, college savings bonds may be sold at public or private sale in a manner which assures, to the extent practicable, the broadest retail distribution of the bonds to investors residing in the state.

(E) Holders of college savings bonds have all of the rights and remedies accorded to such holders under the provisions of the law pursuant to which such bonds are issued, whether or not issuance of such bonds has been delegated to the treasurer of state pursuant to division (B) of this section. In addition, the bond proceedings or other documents pertaining to the bonds may contain such covenants of the issuer and other matters deemed advisable by the issuer in consultation with the authority, including the terms and conditions for creating and maintaining sinking funds, reserve funds, and any other special funds as may be created in the bond proceedings separate and apart from all other funds and accounts of the state or of the issuing authority.

(F) In advertising or promoting the sale of college savings bonds, the issuer and the authority jointly may encourage purchasers to apply the value at maturity of college savings bonds toward the cost of tuition at an institution of higher education; however, neither the authority, the treasurer of state, nor the issuing authority or the issuer shall provide any guarantee, nor shall any guarantee be inferred, to the effect that the value at maturity of the bonds held by a person shall be an amount sufficient to pay for the cost of tuition at any institution of higher education attended by that person for such purposes as he determines.

3334.06 Plan for sale of bonds; approval of sale; cooperation with issuing authorities.

(A) The Ohio tuition trust authority shall, after consultation with the issuer, develop a plan for the sale of college savings bonds. The plan shall include:

(1) An advertising program to inform the public about the availability of college savings bonds;

(2) The estimated cost of financing and administering the plan:

(3) A description of the ongoing administrative authority and responsibility for the plan.

(B) The authority shall approve the sale of a college savings bond issue under division (A) of section 3334.04 of the Revised Code only after it has determined that the issuance would comply with section 3334.04 of the Revised Code.

(C) The authority shall cooperate with all state issuing authorities in identifying potential bond issues which may be appropriate for designation as college savings bonds and shall encourage those issuing authorities to participate in the Ohio college savings program.

3334.07 Plan for sale of tuition units; setting of price; incentive programs.

(A) The Ohio tuition trust authority shall develop a plan for the sale of tuition units. The Ohio board of regents shall cooperate with the authority and provide technical assistance upon request.

(B) Annually, the authority shall determine the weighted average tuition of four-year state universities in the academic year that begins on or after the first day of August of the current calendar year, and shall establish the price of a tuition unit in the ensuing sales period. Such price shall be based on sound actuarial principles, and shall, to the extent actuarially possible, reasonably approximate one per cent of the weighted average tuition for that academic year plus the costs of administering the program that are in excess of general revenue fund appropriations for administrative costs. The sales period to which such price applies shall consist of twelve months, and the authority by rule shall establish the date on which the sales period begins. If circumstances arise during a sales period that the authority determines causes the price of tuition units to be insufficient to ensure the actuarial soundness of the Ohio tuition trust fund, the authority may adjust the price of tuition units purchased during the remainder of the sales period. To promote the purchase of tuition units and in accordance with actuarially sound principles, the authority may adjust the sales price as part of incentive programs, such as discounting for lump

sum purchases and multi-year installment plans at a fixed rate of purchase.

3334.08 Powers of authority; application of other laws.

(A) Subject to division (B) of this section, in addition to any other powers conferred by this chapter, the Ohio tuition trust authority may do any of the following:

- (1) Impose reasonable residency requirements for beneficiaries of tuition units;
- (2) Impose reasonable limits on the number of tuition unit participants;
- (3) Impose and collect administrative fees and charges in connection with any transaction under this chapter;
- (4) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the authority's property, assets, or activities or to further ensure the value of tuition units;
- (5) Indemnify or purchase policies of insurance on behalf of members, officers, and employees of the authority from insurers licensed to do business in this state providing for coverage for any liability incurred in connection with any civil action, demand, or claim against a director, officer, or employee by reason of an act or omission by the director, officer, or employee that was not manifestly outside the scope of the employment or official duties of the director, officer, or employee or with malicious purpose, in bad faith, or in a wanton or reckless manner;
- (6) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the authority;
- (7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program;
- (8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;
- (9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in this state and information about the contract is filed with the controlling board pursuant to division (D)(6) of section 127.16 of the Revised Code;
- (10) Contract for other services, or for goods, needed by the authority in the conduct of its business, including but not limited to credit card services;
- (11) Employ an executive director and other personnel as necessary to carry out its responsibilities under this chapter, and fix the compensation of these persons. All employees of the authority shall be in the unclassified civil service and shall be eligible for membership in the public employees retirement system.
- (12) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;
- (13) Enter into agreements with any agency of the state or its political subdivisions or with private employers under which an employee may agree to have a designated amount

deducted in each payroll period from the wages or salary due the employee for the purpose of purchasing tuition units pursuant to a tuition payment contract or making contributions pursuant to a variable college savings program contract;

(14) Enter into an agreement with the treasurer of state under which the treasurer of state will receive, and credit to the Ohio tuition trust fund or variable college savings program fund, from any bank or savings and loan association authorized to do business in this state, amounts that a depositor of the bank or association authorizes the bank or association to withdraw periodically from the depositor's account for the purpose of purchasing tuition units pursuant to a tuition payment contract or making contributions pursuant to a variable college savings program contract;

(15) Solicit and accept gifts, grants, and loans from any person or governmental agency and participate in any governmental program;

(16) Impose limits on the number of units which may be purchased on behalf of or assigned or awarded to any beneficiary and on the total amount of contributions that may be made on behalf of a beneficiary;

(17) Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;

(18) Impose a limit on the age of a beneficiary, above which tuition units may not be purchased on behalf of that beneficiary;

(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;

(20) Determine the other higher education expenses for which tuition units or contributions may be used;

(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;

(22) Maintain a separate account for each tuition payment or variable college savings program contract;

(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.

(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs.

(C) Except as otherwise specified in this chapter, the provisions of Chapters 123., 125., and 4117. of the Revised Code shall not apply to the authority. The department of administrative services shall, upon the request of the authority, act as the authority's agent for the purchase of equipment, supplies, insurance, or services, or the performance of administrative services pursuant to Chapter 125. of the Revised Code.

3334.09 Tuition payment contracts.

(A) Except in the case of a scholarship program established in accordance with section 3334.17 of the Revised Code, the Ohio tuition trust authority may enter into a tuition payment contract with any person for the purchase of tuition units if either the purchaser or the beneficiary is a resident of this state at the time the contract is entered into. A tuition payment contract shall allow any person to purchase tuition units at the price determined by the authority pursuant to section 3334.07 or 3334.12 of the Revised Code for the year in which the tuition unit is purchased. The purchaser shall name in the payment contract one specific individual as the beneficiary for the tuition units.

In accordance with rules of the authority, units may be transferred to the credit of another beneficiary and a new beneficiary may be substituted for the beneficiary originally named in the contract.

(B) Each tuition unit shall entitle the beneficiary to an amount equal to one per cent of the weighted average tuition.

(C) Nothing in this chapter or in any tuition payment contract entered into pursuant to this chapter shall be construed as a guarantee by the state, the authority, or any institution of higher education that a beneficiary will be admitted to an institution of higher education, or, upon admission to an institution of higher education, will be permitted to continue to attend or will receive a degree from an institution of higher education. Nothing in this chapter or in any tuition payment contract entered into pursuant to this chapter shall be considered a guarantee that the beneficiary's cost of tuition at an institution of higher education other than a state institution of higher education will be covered in full by the proceeds of the beneficiary's tuition units.

(D) The following information shall be disclosed in writing to each purchaser of tuition units and, where appropriate, to each entity establishing a scholarship program under section 3334.17 of the Revised Code:

- (1) The terms and conditions for the purchase and use of tuition units;
- (2) In the case of a contract described by division (A) of this section, any restrictions on the substitution of another individual for the original beneficiary and any restrictions on the transfer of ownership of units in the payment account;
- (3) The person or entity entitled to terminate the contract;
- (4) The terms and conditions under which the contract may be terminated and the amount of the refund, if any, to which the person or entity terminating the contract, or that person's or entity's designee, is entitled upon termination;
- (5) The obligation of the authority to make payments to a beneficiary, or an institution of higher education on behalf of a beneficiary, under division (B) of this section based upon the number of tuition units purchased on behalf of the beneficiary or awarded to the beneficiary pursuant to a scholarship program;
- (6) The method by which tuition units shall be applied toward payment of tuition and other higher education expenses if in any academic term the beneficiary is a part-time student;
- (7) The period of time during which a beneficiary may receive benefits under the contract;
- (8) The terms and conditions under which money may be wholly or partially withdrawn from the program, including, but not limited to, any reasonable charges and fees that

may be imposed for withdrawal;

(9) All other rights and obligations of the purchaser and the authority, including the provisions of division (A) of section 3334.12 of the Revised Code, and any other terms, conditions, and provisions the authority considers necessary and appropriate.

(E) A tuition payment contract may provide that the authority will pay directly to the institution of higher education in which a beneficiary is enrolled during a term the amount represented by the tuition units being used that term.

(F) A tuition payment contract described by division (A) of this section may provide that if the contract has not been terminated or units purchased under the contract have not been applied toward the payment of tuition or other higher education expenses within a specified period of time, the authority may, after making a reasonable effort to locate the purchaser of the tuition units, the beneficiary, and any person designated in the contract to act on behalf of the purchaser of the units or the beneficiary, terminate the contract and retain the amounts payable under the contract.

(G) If, at any time after tuition units are purchased on behalf of a beneficiary or awarded to a beneficiary or pursuant to a scholarship program, the beneficiary becomes a nonresident of this state, or, if the beneficiary was not a resident of this state at the time the tuition payment contract was entered into, the purchaser becomes a nonresident of this state, units purchased or awarded while the beneficiary was a resident may be applied on behalf of the beneficiary toward the payment of tuition at an institution of higher education and other higher education expenses in the manner specified in division (B) of this section, except that if the beneficiary enrolls in a state institution of higher education, the beneficiary shall be responsible for payment of all nonresident fees charged to out-of-state residents by the institution in which the beneficiary is enrolled.

3334.10 Rollover to qualified tuition program or termination of contract; refund of tuition units; separate accounts; availability of statement.

Divisions (A) and (B) of this section do not apply to scholarship programs established under section 3334.17 of the Revised Code.

(A) Unless otherwise provided for in the tuition payment contract, the purchaser may rollover amounts to another qualified tuition program under section 529 of the Internal Revenue Code or terminate the contract for any reason by filing written notice with the Ohio tuition trust authority.

(1) If the contract is terminated and the beneficiary is under eighteen years of age, the authority shall use actuarially sound principles to determine the amount of the refund.

(2) If the contract is terminated because of the death or permanent disability of the beneficiary, the amount of the refund shall be equal to the greater of the following:

(a) One per cent of the weighted average tuition in the academic year the refund is paid, multiplied by the number of tuition units purchased and not used;

(b) The total purchase price of all tuition units purchased for the beneficiary and not used.

(3) If all or part of the amount accrued under the contract is liquidated for a rollover to another qualified tuition program under section 529 of the Internal Revenue Code, the rollover amount shall be determined in an actuarially sound manner.

(B) The contributor of a variable college savings program account may rollover amounts to another qualified tuition program under section 529 of the Internal Revenue Code or

terminate the account for any reason by filing written notice with the Ohio tuition trust authority.

The contributor may receive an amount equal to the account balance, less any applicable administrative fees.

(C) A scholarship program may request a refund of tuition units in the program's account by filing a written request with the authority. The refund shall be paid to the entity that established the scholarship program or, with that entity's approval, to the authority if this is authorized by federal tax law. The amount of any refund shall be determined by the authority and shall meet the requirements for refunds made on account of scholarships under section 529 of the Internal Revenue Code.

(D) The authority shall maintain a separate account for each variable college savings contract entered into pursuant to division (A) of section 3334.18 of the Revised Code for contributions made on behalf of a beneficiary, showing the name of the beneficiary of that contract and the amount of contributions made pursuant to that contract. Upon request of any beneficiary or contributor, the authority shall provide a statement indicating, in the case of a beneficiary, the amount of contributions made pursuant to that contract on behalf of the beneficiary, or, in the case of a contributor, contributions made, disbursed, or refunded pursuant to that contract.

3334.11 Tuition trust fund; separate accounts; reports; records; reserve fund; investments.

(A) The assets of the Ohio tuition trust authority reserved for payment of the obligations of the authority pursuant to tuition payment contracts shall be placed in a fund, which is hereby created and shall be known as the Ohio tuition trust fund. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. That portion of payments received by the authority or the treasurer of state from persons purchasing tuition units under tuition payment contracts that the authority determines is actuarially necessary for the payment of obligations of the authority pursuant to tuition payment contracts, all interest and investment income earned by the fund, and all other receipts of the authority from any other source that the authority determines appropriate, shall be deposited in the fund. No purchaser or beneficiary of tuition units shall have any claim against the funds of any state institution of higher education. All investment fees and other costs incurred in connection with the exercise of the investment powers of the authority pursuant to divisions (D) and (E) of this section shall be paid from the assets of the fund.

(B) Unless otherwise provided by the authority, the assets of the Ohio tuition trust fund shall be expended in the following order:

(1) To make payments to beneficiaries, or institutions of higher education on behalf of beneficiaries, under division (B) of section 3334.09 of the Revised Code;

(2) To make refunds as provided in divisions (A) and (C) of section 3334.10 of the Revised Code;

(3) To pay the investment fees and other costs of administering the fund.

(C)(1) Except as may be provided in an agreement under division (A)(19) of section 3334.08 of the Revised Code, all disbursements from the Ohio tuition trust fund shall be made by the treasurer of state on order of a designee of the authority.

(2) The treasurer of state shall deposit any portion of the Ohio tuition trust fund not needed for immediate use in the same manner as state funds are deposited.

(D) The authority is the trustee of the Ohio tuition trust fund. The authority shall have full power to invest the assets of the fund and in exercising this power shall be subject to the limitations and requirements contained in divisions (K) to (M) of this section and sections 145.11.2 and 145.11.3 of the Revised Code. The evidences of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code. Assets of the fund shall be administered by the authority in a manner designed to be actuarially sound so that the assets of the fund will be sufficient to satisfy the obligations of the authority pursuant to tuition payment contracts and defray the reasonable expenses of administering the fund.

(E) The public employees retirement board shall, with the approval of the authority, exercise the investment powers of the authority as set forth in division (D) of this section until the authority determines that assumption and exercise by the authority of the investment powers is financially and administratively feasible. The investment powers shall be exercised by the public employees retirement board in a manner agreed upon by the authority that maximizes the return on investment and minimizes the administrative expenses.

(F)(1) The authority shall maintain a separate account for each tuition payment contract entered into pursuant to division (A) of section 3334.09 of the Revised Code for the purchase of tuition units on behalf of a beneficiary or beneficiaries showing the beneficiary or beneficiaries of that contract and the number of tuition units purchased pursuant to that contract. Upon request of any beneficiary or person who has entered into a tuition payment contract, the authority shall provide a statement indicating, in the case of a beneficiary, the number of tuition units purchased on behalf of the beneficiary, or in the case of a person who has entered into a tuition payment contract, the number of tuition units purchased, used, or refunded pursuant to that contract. A beneficiary and person that have entered into a tuition payment contract each may file only one request under this division in any year.

(2) The authority shall maintain an account for each scholarship program showing the number of tuition units that have been purchased for or donated to the program and the number of tuition units that have been used. Upon the request of the entity that established the scholarship program, the authority shall provide a statement indicating these numbers.

(G) In addition to the Ohio tuition trust fund, there is hereby established a reserve fund that shall be in the custody of the treasurer of state but shall not be part of the state treasury, and shall be known as the Ohio tuition trust reserve fund, and an operating fund that shall be part of the state treasury, and shall be known as the Ohio tuition trust operating fund. That portion of payments received by the authority or the treasurer of state from persons purchasing tuition units under tuition payment contracts that the authority determines is not actuarially necessary for the payment of obligations of the authority pursuant to tuition payment contracts, any interest and investment income earned by the reserve fund, any administrative charges and fees imposed by the authority on transactions under this chapter or on purchasers or beneficiaries of tuition units, and all other receipts from any other source that the authority determines appropriate, shall be deposited in the reserve fund to pay the operating expenses of the authority and the costs of administering the program. The assets of the reserve fund may be invested in the same manner and subject to the same limitations set forth in divisions (D), (E), and (K) to (M) of this section and sections 145.11.2 and 145.11.3 of the Revised Code. All investment fees and other costs incurred in connection with the exercise of the investment powers shall be paid from the assets of the reserve fund. Except as otherwise provided for in this chapter, all operating expenses of the authority and costs of administering the program shall be paid from the operating fund. The treasurer shall, upon request of the authority, transfer funds from the reserve fund to the operating fund as the authority determines appropriate to pay those current operating expenses of the authority and costs of administering the program as the authority designates. Any interest or investment income earned on the assets of the operating fund shall be deposited in the operating fund.

(H) In January of each year the authority shall report to each person who received any payments or refunds from the authority during the preceding year information relative to the value of the payments or refunds to assist in determining that person's tax liability.

(I) The authority shall report to the tax commissioner any information, and at the times, as the tax commissioner requires to determine any tax liability that a person may have incurred during the preceding year as a result of having received any payments or refunds from the authority.

(J) All records of the authority indicating the identity of purchasers and beneficiaries of tuition units or college savings bonds, the number of tuition units purchased, used, or refunded under a tuition payment contract, and the number of college savings bonds purchased, held, or redeemed are not public records within the meaning of section 149.43 of the Revised Code.

(K) The authority and other fiduciaries shall discharge their duties with respect to the funds with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and by diversifying the investments of the assets of

the funds so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

To facilitate investment of the funds, the authority may establish a partnership, trust, limited liability company, corporation, including a corporation exempt from taxation under the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as amended, or any other legal entity authorized to transact business in this state.

(L) In exercising its fiduciary responsibility with respect to the investment of the assets of the funds, it shall be the intent of the authority to give consideration to investments that enhance the general welfare of the state and its citizens where the investments offer quality, return, and safety comparable to other investments currently available to the authority. In fulfilling this intent, equal consideration shall also be given to investments otherwise qualifying under this section that involve minority owned and controlled firms and firms owned and controlled by women, either alone or in joint venture with other firms.

The authority shall adopt, in regular meeting, policies, objectives, or criteria for the operation of the investment program that include asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines. In adopting policies and criteria for the selection of agents with whom the authority may contract for the administration of the assets of the funds, the authority shall give equal consideration to minority owned and controlled firms, firms owned and controlled by women, and ventures involving minority owned and controlled firms and firms owned and controlled by women that otherwise meet the policies and criteria established by the authority. Amendments and additions to the policies and criteria shall be adopted in regular meeting. The authority shall publish its policies, objectives, and criteria under this provision no less often than annually and shall make copies available to interested parties.

When reporting on the performance of investments, the authority shall comply with the performance presentation standards established by the association for investment management and research.

(M) All investments shall be purchased at current market prices and the evidences of title of the investments shall be placed in the hands of the treasurer of state, who is hereby designated as custodian thereof, or in the hands of the treasurer of state's authorized agent. The treasurer of state or the agent shall collect the principal, dividends, distributions, and interest thereon as they become due and payable and place them when so collected into the custodial funds.

The treasurer of state shall pay for investments purchased by the authority on receipt of written or electronic instructions from the authority or the authority's designated agent authorizing the purchase and pending receipt of the evidence of title of the investment by the treasurer of state or the treasurer of state's authorized agent. The authority may sell investments held by the authority, and the treasurer of state or the treasurer of state's authorized agent shall accept payment from the purchaser and deliver evidence of title of the investment to the purchaser on receipt of written or electronic instructions from the authority or the authority's designated agent authorizing the sale, and pending receipt of the moneys for the investments. The amount received shall be placed in the custodial funds. The authority and the treasurer of state may enter into agreements to establish procedures for the purchase and sale of investments under this division and the custody of the investments.

No purchase or sale of any investment shall be made under this section except as authorized by the authority.

Any statement of financial position distributed by the authority shall include fair value, as of the statement date, of all investments held by the authority under this section.

3334.12 Evaluation of actuarial soundness; termination; financial report.

Notwithstanding anything to the contrary in sections 3334.07 and 3334.09 of the Revised Code:

(A) Annually, the Ohio tuition trust authority shall have the actuarial soundness of the Ohio tuition trust fund evaluated by a nationally recognized actuary and shall determine whether additional assets are necessary to defray the obligations of the authority. If, after the authority sets the price for tuition units, circumstances arise that the executive director determines necessitate an additional evaluation of the actuarial soundness of the fund, the executive director shall have a nationally recognized actuary conduct the necessary evaluation. If the assets of the fund are insufficient to ensure the actuarial soundness of the fund, the authority shall adjust the price of subsequent purchases of tuition units to the extent necessary to help restore the actuarial soundness of the fund. If, at any time, the adjustment is likely, in the opinion of the authority, to diminish the marketability of tuition units to an extent that the continued sale of the units likely would not restore the actuarial soundness of the fund and external economic factors continue to negatively impact the soundness of the program, the authority may suspend sales, either permanently or temporarily, of tuition units. During any suspension, the authority shall continue to service existing college savings program accounts.

(B) Upon termination of the program or liquidation of the Ohio tuition trust fund, the Ohio tuition trust reserve fund, and the Ohio tuition trust operating fund, any remaining assets of the funds after all obligations of the funds have been satisfied pursuant to division (B) of section 3334.11 of the Revised Code shall be transferred to the general revenue fund of the state.

(C) The authority shall prepare and cause to have audited an annual financial report on all financial activity of the Ohio tuition trust authority within ninety days of the end of the fiscal year. The authority shall transmit a copy of the audited financial report to the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives. Copies of the audited financial report also shall be made available, upon request, to the persons entering into contracts with the authority and to prospective purchasers of tuition units and prospective contributors to variable college savings program accounts.

3334.15 Exemption from execution; use of interest as security or collateral for loan.

(A) The right of a person to a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, a scholarship program, or a variable college savings program account shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other process of law.

(B) The right of a person to a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, a scholarship program, or a variable college savings program account shall not be used as security or collateral for a loan.

3334.16 Assumption of federal tax exemption.

The general assembly hereby finds that the prepaid tuition program providing for the sale of tuition units by the Ohio tuition trust authority is an official state function, offered through an agency of this state, which agency receives state appropriations. Therefore, the authority is directed by the state of Ohio to assume it is exempt from federal tax liability.

3334.17 Scholarship programs.

(A) The state, any political subdivision of the state, and any organization that is exempt

from federal income taxation under section 501 (a) and described in section 501 (c)(3) of the Internal Revenue Code, including the Ohio tuition trust authority if this is authorized under federal tax law, may establish a scholarship program to award scholarships consisting of contributions made to any college savings program for students. Any scholarship program established under this section shall be registered with the authority. The authority shall be notified of the name and address of each scholarship beneficiary under the program, the amounts awarded, and the institution of higher education in which the beneficiary is enrolled. Scholarship beneficiaries shall be selected by the entity establishing the scholarship program, in accordance with criteria established by the entity.

(B) Any person or governmental entity may purchase tuition units on behalf of a scholarship program that is or is to be established in accordance with division (A) of this section at the same price as is established for the purchase of units for named beneficiaries pursuant to this chapter. Tuition units shall have the same value to the beneficiary of a scholarship awarded pursuant to this section as they would have to any other beneficiary pursuant to division (B) of section 3334.09 of the Revised Code.

(C) The entity establishing and maintaining a scholarship program shall specify whether a scholarship beneficiary may receive a refund or payment for the amount awarded under the scholarship program directly from the authority, or whether the amount awarded shall be paid by the authority only to the institution of higher education in which the student is enrolled.

(D) If a scholarship beneficiary does not use the amount awarded within a length of time specified under the scholarship program, the amount may be awarded to another beneficiary.

3334.18 Variable program contracts; contributions and purchases limited; results not guaranteed; informational materials.

(A) A variable college savings program established by the Ohio tuition trust authority shall include provisions for a contract to be entered into between a contributor and the authority that will authorize the contributor to open an account for a beneficiary and authorize the contributor to substitute a new beneficiary for one originally named in the contract, to the extent permitted by section 529 of the Internal Revenue Code.

(B) The authority shall provide adequate safeguards to prevent total contributions to a variable college savings program account or purchases of tuition units, either separately or combined, that are made on behalf of a beneficiary from exceeding the amount necessary to provide for the tuition and other higher education expenses of the beneficiary, consistent with the maximum contributions permitted by section 529 of the Internal Revenue Code. However, in no event shall contributions or purchases exceed the allowable limit for a qualified state tuition program under section 529 of the Internal Revenue Code.

(C)(1) Participation in the variable college savings program does not guarantee that contributions and the investment return on contributions, if any, will be adequate to cover future tuition and other higher education expenses or that a beneficiary will be admitted to or permitted to continue to attend an institution of higher education.

(2) Returns on contributors' investments in the variable college savings program are not guaranteed by the state and the contributors to the variable college savings program assume all investment risk, including the potential loss of principal and liability for penalties such as those levied for noneducational withdrawals.

(3) The state shall have no debt or obligation to any contributor, beneficiary, or any other person as a result of the establishment of the program, and the state assumes no risk or liability for funds invested in the variable college savings program.

(4) Informational materials about the variable college savings program prepared by the authority or its agents and provided to prospective contributors shall state clearly the information set forth in division (C) of this section.

3334.19 Investment plan; agents; accounts; use and disposition of assets.

(A) The Ohio tuition trust authority shall adopt an investment plan that sets forth investment policies and guidelines to be utilized in administering the variable college savings program. Except as provided in section 3334.20 of the Revised Code, the authority shall contract with one or more insurance companies, banks, or other financial institutions to act as its investment agents and to provide such services as the authority considers appropriate to the investment plan, including:

- (1) Purchase, control, and safekeeping of assets;
- (2) Record keeping and accounting for individual accounts and for the program as a whole;
- (3) Provision of consolidated statements of account.

(B) The authority or its investment agents shall maintain a separate account for the beneficiary of each contract entered into under the variable college savings program. If a beneficiary has more than one such account, the authority or its agents shall track total contributions and earnings and provide a consolidated system of account distributions to institutions of higher education.

(C) The authority or its investment agents may place assets of the program in savings accounts and may purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the investment plan.

(D) Contributors shall not direct the investment of their contributions under the investment plan. The authority shall impose other limits on contributors' investment discretion to the extent required under section 529 of the Internal Revenue Code.

(E) The investment agents with which the authority contracts shall discharge their duties with respect to program funds with the care and diligence that a prudent person familiar with such matters and with the character and aims of the program would use.

(F) The assets of the program shall be preserved, invested, and expended solely for the purposes of this chapter and shall not be loaned or otherwise transferred or used by the state for any other purpose. This section shall not be construed to prohibit the investment agents of the authority from investing, by purchase or otherwise, in bonds, notes, or other obligations of the state or any agency or instrumentality of the state. Unless otherwise specified by the authority, assets of the program shall be expended in the following order of priority:

- (1) To make payments on behalf of beneficiaries;
- (2) To make refunds upon termination of variable college savings program contracts;
- (3) To pay the authority's costs of administering the program;
- (4) To pay or cover any other expenditure or disbursement the authority determines necessary or appropriate.

(G) Fees, charges, and other costs imposed or collected by the authority in connection with the variable college savings program, including any fees or other payments that the authority

requires an investment agent to pay to the authority, shall be credited to either the variable operating fund or the index operating fund at the discretion of the authority. These funds are hereby created in the state treasury. Expenses incurred in the administration of the variable college savings program, as well as other expenses, disbursements, or payments the authority considers appropriate for the benefit of any college savings programs administered by the authority, the state of Ohio and its citizens, shall be paid from the variable operating fund or the index operating fund at the discretion of the authority.

(H) No records of the authority indicating the identity of purchasers, contributors, and beneficiaries under the program or amounts contributed to, earned by, or distributed from program accounts are public records within the meaning of section 149.43 of the Revised Code.

3334.20 Authority is trustee of variable program; interim investment period provisions.

(A) As used in this section, "state agency" means every department, bureau, board, commission, office, or other organized body established by the constitution or laws of this state for the exercise of state government.

(B) If a condition arises concerning the investment of funds received under the variable college savings program and requiring an interim period for investment of program funds, which condition is determined pursuant to division (D) of this section, the Ohio tuition trust authority shall choose the treasurer of state, a state agency having investment authority, or an investment agent under contract with the authority to invest program funds pursuant to the investment plan established under division (A) of section 3334.19 of the Revised Code. The treasurer of state, state agency, or investment agent chosen by the authority pursuant to this division shall be subject to the requirements and conditions that apply to investment agents specified in section 3334.19 of the Revised Code.

(C) The authority shall be the trustee of the program. During the interim period, the authority shall receive and hold all payments, deposits, and contributions, as well as gifts, bequests, endowments, and federal, state, or local grants and any funds from any other source, public or private, and all earnings, until disbursed to pay tuition or other higher education expenses or refunds pursuant to college savings plans contracts. The authority shall keep such funds segregated from all other assets of the authority.

(D) The authority shall adopt rules under section 111.15 of the Revised Code defining the conditions under which an interim investment period is required and this section applies. The rules shall include any condition requiring the termination of the interim period and the authority to contract with alternative investment agents pursuant to section 3334.19 of the Revised Code and any other requirements that apply during the interim investment period.

(E) When the interim period for investment of program funds terminates, the investment agents selected pursuant to section 3334.19 of the Revised Code for the investment of program funds shall have the sole authority to invest program funds pursuant to the investment plan established under division (A) of that section and shall be subject to that section.

3334.21 Termination of variable program.

The variable college savings program may be terminated by statute or upon the determination of the Ohio tuition trust authority that the program is not financially feasible. Upon termination, all amounts held in program accounts shall be returned to account owners, to the extent possible, and any unclaimed assets in the program shall be transferred to the unclaimed funds trust fund and disposed of in accordance with section 169.05 of the Revised Code.

Chapter 3345

State Universities - General Powers

3345.01 Tuition charged to nonresidents.

Except as provided in sections 3333.17 and 3333.32 of the Revised Code, the board of trustees of a state university or college, as defined in section 3345.12 of the Revised Code, may charge reasonable tuition for the attendance of pupils who are nonresidents of Ohio.

3345.01.1 Definitions.

"State university" means a public institution of higher education which is a body politic and corporate. Each of the following institutions of higher education shall be recognized as a state university: university of Akron, Bowling Green state university, Central state university, university of Cincinnati, Cleveland state university, Kent state university, Miami university, Ohio university, Ohio state university, Shawnee state university, university of Toledo, Wright state university, and Youngstown state university.

"State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, university branch established under Chapter 3355. of the Revised Code, or technical college.

3345.02.1 Use of college facilities for speaking purposes.

The board of trustees of any college or university, which receives any state funds in support thereof, shall have full power and authority on all matters relative to the administration of such college or university.

Such power shall include but not be limited to the authority to withhold use of the facilities of any such college or university for meetings or speaking purposes from persons who are members of the communist party, persons who advocate or persons who hold membership in or support organizations which advocate the overthrow of the government of the United States and its free institutions by force or violence or whose presence is not conducive to high ethical and moral standards or the primary educational purposes and orderly conduct of the functions of the institution.

The board of trustees of any such college or university may delegate any administrative authority mentioned in this section, including but not limited to, the enforcement of rules or regulations with respect to the use of university or college facilities for speaking purposes, to the president of any such college or university, or to such other administrative personnel as may be designated or appointed therefor by the board of trustees.

3345.02.2 Group legal services insurance or prepaid plan for students.

The board of trustees of any college or university supported in part or in whole by state funds, or two or more such boards, may enter into a contract, upon such terms as shall be determined to be in the best interest of students, for the provision of legal services to students through a group legal services insurance plan approved by the superintendent of insurance or through a prepaid legal services plan established by attorneys admitted to the practice of law in this state. The fees or charges to students who participate in the plan shall be established by the board or boards and shall be sufficient to defray the college's or university's cost of administering the plan. No student shall be required to pay any such fee or charge unless he elects to participate in the plan, and no revenue from any other student fees or charges shall be used to finance any portion of the cost of any plan or the college's or university's cost of administering the plan. Legal representation under the plan shall be limited to services determined by the board to be reasonably related to student welfare, to the advancement or successful completion of student

education, or to serve a public purpose within the powers of the college or university.

A plan shall not provide or pay for the cost of representation of a student in an action against a state officer or agency arising out of the performance of the duties of the officer or agency, against a law enforcement officer arising out of the performance of the duties of the officer, against a college or university participating in the plan, against a student of such a college or university, or against a member of the board of regents or of the board of trustees, faculty, or staff of such a college or university, if the cause of action arises out of the performance of the duties of the office of the member or in the course of the member's employment by the college or university. As used in this section, "law enforcement officer" means a sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal police officer, state highway patrolman, or state university law enforcement officer appointed under section 3345.04 of the Revised Code.

3345.03 Inspection of accounts.

The expenditure of all moneys under sections 3345.01 to 3345.07 of the Revised Code, or for the purpose of carrying out such sections raised or secured from any source, shall be subject to the audit of the auditor of state, the cost thereof to be paid by the university or college audited.

3345.04 State university law enforcement officers.

(A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) Subject to division (C) of this section, the board of trustees of a state university, the board of trustees of the northeastern Ohio universities college of medicine, the board of trustees of a state community college, and the board of trustees of a technical college or community college district operating a technical or a community college may designate one or more employees of the institution, as a state university law enforcement officer, in accordance with section 109.77 of the Revised Code, and, as state university law enforcement officers, those employees shall take an oath of office, wear the badge of office, serve as peace officers for the college or university, and give bond to the state for the proper and faithful discharge of their duties in the amount that the board of trustees requires.

(C)(1) The board of trustees of an institution listed in division (B) of this section shall not designate an employee of the institution as a state university law enforcement officer pursuant to that division on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the employee previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The board of trustees shall terminate the employment as a state university law enforcement officer of an employee designated as a state university law enforcement officer under division (B) of this section if that employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to the employee under section 109.77 of the Revised Code.

(b) The board of trustees shall suspend from employment as a state university law enforcement officer an employee designated as a state university law enforcement officer under division (B) of this section if that employee is convicted, after trial, of a felony. If the state university law enforcement officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the state university law enforcement officer does not file a timely appeal, the board of trustees shall terminate the employment of that state

university law enforcement officer. If the state university law enforcement officer files an appeal that results in that officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that officer, the board of trustees shall reinstate that state university law enforcement officer. A state university law enforcement officer who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the officer of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a state university law enforcement officer under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

3345.04.1 Agreement to provide police services to political subdivision or another university or college.

(A) The board of trustees of a state university or college may enter into an agreement with one or more townships, municipal corporations, counties, park districts created under section 1545.04 of the Revised Code, township park districts created under section 511.18 of the Revised Code, or other state universities or colleges and a township, municipal corporation, county, park district, or township park district may enter into an agreement with a state university or college upon such terms as are agreed to by them, to allow the use of state university law enforcement officers designated under section 3345.04 of the Revised Code to perform any police function, exercise any police power, or render any police service on behalf of the contracting political subdivision, or state university or college, that it may perform, exercise, or render.

(B) Chapter 2743. of the Revised Code applies to a state university or college when its law enforcement officers are serving outside the university or college pursuant to an agreement entered into pursuant to division (A) of this section. State university law enforcement officers acting outside the state university or college by which they are employed, pursuant to an agreement entered into pursuant to division (A) of this section, shall be entitled to participate in any indemnity fund established by their employer to the same extent as while acting within the employing state university or college and are entitled to all the rights and benefits of Chapter 4123. of the Revised Code. The state university law enforcement officers also retain their personal immunity from civil liability specified in section 9.86 of the Revised Code.

A township, municipal corporation, county, park district, or township park district that enters into an agreement pursuant to division (A) of this section is not subject to civil liability under Chapter 2744. of the Revised Code as the result of any action or omission of any state university law enforcement officer acting pursuant to the agreement.

(C) Agreements entered into pursuant to division (A) of this section may provide for the reimbursement of the state university or college providing police services under such agreement for the costs incurred by its law enforcement officers for the policing of the political subdivision, or of the state university or college to which such services are provided. Each contract may provide for the ascertainment of costs and shall be of a duration not in excess of four years. All payments pursuant to any agreement in reimbursement of the costs of policing shall be held and administered as provided by section 3345.05 of the Revised Code.

(D) An agreement entered into pursuant to division (A) of this section shall specify whether the political subdivision or the state university or college to which police services are provided under such agreement will or will not indemnify and hold harmless the state university or college providing police services under such agreement for any damages awarded by the court of claims in any civil action arising from any action or omission of any state university law

enforcement officer acting pursuant to the agreement.

(E) As used in this section, "state university or college" means any state university or college identified in section 3345.04 of the Revised Code.

3345.05 Disposition of fees; annual reports by recipients; investments.

(A) All registration fees, nonresident tuition fees, academic fees for the support of off-campus instruction, laboratory and course fees when so assessed and collected, student health fees for the support of a student health service, all other fees, deposits, charges, receipts, and income from all or part of the students, all subsidy or other payments from state appropriations, and all other fees, deposits, charges, receipts, and income received by each state-supported university and college, the Ohio state university hospitals and their ancillary facilities, the Ohio agricultural research and development center, and the Ohio state university cooperative extension service shall be held and administered by the respective boards of trustees of the state-supported universities and colleges; provided, that such fees, deposits, charges, receipts, and income, to the extent required by resolutions, trust agreements, indentures, leases, and agreements adopted, made, or entered into under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be held, administered, transferred, and applied in accordance therewith.

(B) The Ohio board of regents shall require annual reporting by the Ohio agricultural research and development center and by each university and college receiving state aid in such form and detail as determined by the board in consultation with such center, universities and colleges, and the director of budget and management.

(C) Notwithstanding any provision of the Revised Code to the contrary, the title to investments made by the board of trustees of a state-supported university or college with funds derived from revenues described in division (A) of this section shall not be vested in the state but shall be held in trust by the board. Such investments shall be made pursuant to an investment policy adopted by the board in public session that requires all fiduciaries to discharge their duties with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The policy also shall require at least the following:

(1) A stipulation that investment be made only in publicly traded securities averaging at least twenty-five per cent of the average amount of the investment portfolio over the course of the previous fiscal year invested in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's pooled investment program, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this state, written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve system, as a reserve;

(2) The establishment of an investment committee.

(D) The investment committee established under division (C)(2) of this section shall meet at least quarterly. The committee shall review and recommend revisions to the board's investment policy and shall advise the board on its investments made under division (C) of this section in an effort to assist it in meeting its obligations as a fiduciary as described in division (C) of this section. The committee shall be authorized to retain the services of an investment advisor who meets both of the following qualifications:

(1) The advisor is either:

(a) Licensed by the division of securities under section 1707.14.1 of the Revised Code;

(b) Registered with the securities and exchange commission.

(2) The advisor either:

(a) Has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios;

(b) Is an eligible institution referenced in section 135.03 of the Revised Code.

3345.06 Entrance requirements of high school graduates – core curriculum.

(A) Subject to divisions (B) and (C) of this section, a graduate of the twelfth grade shall be entitled to admission without examination to any college or university which is supported wholly or in part by the state, but for unconditional admission may be required to complete such units not included in the graduate's high school course as may be prescribed, not less than two years prior to the graduate's entrance, by the faculty of the institution.

(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the Ohio core curriculum for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the Ohio board of regents or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3313.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the post-secondary enrollment options program under Chapter 3365. of the Revised Code, or through other dual enrollment programs, toward the requirements of division (B)(1) of this section if the credit may be applied toward a degree.

(2) The person met the high school graduation requirements by successfully completing the person's individualized education program developed under section 3323.08 of the Revised Code.

(3) The person is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, or has graduated from a nonchartered, nonpublic school in Ohio, and demonstrates mastery of the academic content and skills in reading, writing, and mathematics needed to successfully complete introductory level coursework at an institution of higher education and to avoid remedial coursework.

(4) The person is a high school student participating in the post-secondary enrollment options program under Chapter 3365. of the Revised Code or another dual enrollment program.

(C) A state university subject to division (B) of this section may delay admission for or admit conditionally an undergraduate student who has successfully completed the Ohio core curriculum if the university determines the student requires academic remedial or developmental

coursework. The university may delay admission pending, or make admission conditional upon, the student's successful completion of the academic remedial or developmental coursework at a university branch, community college, state community college, or technical college.

(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent.

3345.061 Sunset for state operating subsidies for remedial courses.

(A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state university listed in section 3345.011 of the Revised Code, except Central state university, Shawnee state university, and Youngstown state university, shall receive any state operating subsidies for any academic remedial or developmental courses for undergraduate students, including courses prescribed in the Ohio core curriculum for high school graduation under division (C) of section 3313.603 of the Revised Code, offered at its main campus, except as provided in divisions (B)(1) to (4) of this section.

(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus.

(2) In the 2016-2017 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than fifteen per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(3) In the 2017-2018 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The Ohio board of regents shall do all of the following:

(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a state university as required in order to conform to divisions (B) and (C) of this section;

(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education, as defined in section 3345.011 of the Revised Code;

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education;

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

3345.062 Internet offerings of college level courses.

If the partnership for continued learning, after consulting with the Ohio board of regents and the state board of education, does not complete and submit recommendations for legislative changes for the operation of the post-secondary enrollment options program, as required by division (B) of section 3301.42 of the Revised Code, by the deadline prescribed in that division, each state university, as defined in section 3345.011 of the Revised Code, shall offer via the internet or interactive distance learning at least two college level courses, one each in science and mathematics, by which high school students may earn both high school and college credit. During such course, the university may include a single presentation, of not more than two minutes in length, that describes its other programs and courses. The university may assess a fee for the course required under this section of not more than one-tenth of the amount per credit hour normally assessed by the university for an undergraduate course at its main campus.

3345.07 Housing and dining facilities.

Each state university or college may acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, housing and dining facilities, and may pay for the same out of available receipts of such state university or college. To pay all or part of the costs of housing and dining facilities, and to refund obligations previously issued for such purpose, each state university or college may issue obligations in the manner provided by and subject to the applicable provisions of section 3345.12 of the Revised Code.

3345.08 Temporary dwelling accommodations.

The board of trustees of a state university may continue to maintain and operate the temporary dwelling accommodations made available by the federal government under Public Law No. 849, 76th Congress, as amended by Public Law No. 292, 79th Congress, to be used as temporary dwelling accommodations for students and employees in said institutions, their spouses, children, and in the case of disabled students so qualifying, their necessary attendants, at the discretion of the boards of such universities.

3345.09 Courses in American sign language.

For purposes of this section, American sign language is hereby recognized as a foreign

language, and any state institution of higher education may offer a course in American sign language. An undergraduate student who successfully completes a course in American sign language is entitled to receive credit for that course toward satisfaction of an undergraduate foreign language requirement of the state institution of higher education where the course is offered. As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

3345.10 Contracts for printed material.

(A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.01.1 of the Revised Code.

(B) Each state institution of higher education shall establish competitive bidding procedures for the purchase of printed material and shall award all contracts for the purchase of printed material in accordance with those procedures. The procedures shall require the institution to evaluate all bids received for all contracts for the purchase of printed material in accordance with the criteria and procedures established pursuant to divisions (C)(1) and (2) of section 125.09 of the Revised Code for determining whether bidders will produce the printed material at manufacturing facilities within this state or in accordance with the criteria and procedures established pursuant to division (C)(4) or (5) of that section for determining whether bidders are otherwise qualified.

An institution shall select, in accordance with the procedures it establishes under this section, a bid from among bidders that fulfill the criteria specified in the applicable divisions of section 125.09 of the Revised Code where sufficient competition can be generated within this state to ensure that compliance with this requirement will not result in paying an excessive price or acquiring a disproportionately inferior product. If there are two or more bids from among those bidders, it shall be deemed that there is sufficient competition to prevent paying an excessive price or acquiring a disproportionately inferior product.

3345.11 Auxiliary or education facilities.

Each state university or college may acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, auxiliary facilities, or education facilities, and may pay for the facilities out of available receipts of such state university or college. To pay all or part of the costs of auxiliary facilities or education facilities, and any combination of them, and to refund obligations previously issued for such purpose, each state university or college may issue obligations in the manner provided by and subject to the applicable provisions of section 3345.12 of the Revised Code.

3345.12 State university additional definitions – issuance of obligations.

(A) As used in this section and sections 3345.07 and 3345.11 of the Revised Code, in other sections of the Revised Code that make reference to this section unless the context does not permit, and in related bond proceedings unless otherwise expressly provided:

(1) "State university or college" means each of the state universities identified in section 3345.011 of the Revised Code and the northeastern Ohio universities college of medicine, and includes its board of trustees.

(2) "Institution of higher education" or "institution" means a state university or college, or a community college district, technical college district, university branch district, or state community college, and includes the applicable board of trustees or, in the case of a university branch district, any other managing authority.

(3) "Housing and dining facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, to be used for or in connection with dormitories or other living quarters and accommodations, or related dining halls or other food service and preparation facilities, for students, members of the faculty, officers, or employees of the institution of higher education, and their spouses and families.

(4) "Auxiliary facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, to be used for or in connection with student activity or student service facilities, housing and dining facilities, dining halls, and other food service and preparation facilities, vehicular parking facilities, bookstores, athletic and recreational facilities, faculty centers, auditoriums, assembly and exhibition halls, hospitals, infirmaries and other medical and health facilities, research, and continuing education facilities.

(5) "Education facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, to be used for or in connection with, classrooms or other instructional facilities, libraries, administrative and office facilities, and other facilities, other than auxiliary facilities, to be used directly or indirectly for or in connection with the conduct of the institution of higher education.

(6) "Facilities" means housing and dining facilities, auxiliary facilities, or education facilities, and includes any one, part of, or any combination of such facilities, and further includes site improvements, utilities, machinery, furnishings, and any separate or connected buildings, structures, improvements, sites, open space and green space areas, utilities or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, such facilities.

(7) "Obligations" means bonds or notes or other evidences of obligation, including interest coupons pertaining thereto, authorized to be issued under this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code.

(8) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for the retirement of obligations, interest, or interest equivalent and other accreted amounts, and any call premium required to be paid on obligations.

(9) "Bond proceedings" means the resolutions, trust agreement, indenture, and other agreements and credit enhancement facilities, and amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations, and the provisions contained in those obligations.

(10) "Costs of facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the institution of higher education or state agency, cost of engineering, architectural services, design, plans, specifications and surveys, estimates of cost, legal fees, fees and expenses of trustees, depositories, bond registrars, and paying agents for the obligations, cost of issuance of the obligations and financing costs and fees and expenses of financial advisers and consultants in connection therewith, interest on the obligations from the date thereof to the time when interest is to be covered by available receipts or other sources other than proceeds of the obligations, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursements of all moneys advanced or applied by or borrowed from the institution or others, from whatever source provided, including any temporary advances from state appropriations, for the payment of any item or items of cost of facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of facilities, the financing thereof and the placing of them in use and operation, including any one, part of, or combination of such classes of costs and expenses.

(11) "Available receipts" means all moneys received by the institution of higher education, including income, revenues, and receipts from the operation, ownership, or control of

facilities, grants, gifts, donations, and pledges and receipts therefrom, receipts from fees and charges, and the proceeds of the sale of obligations, including proceeds of obligations issued to refund obligations previously issued, but excluding any special fee, and receipts therefrom, charged pursuant to division (D) of section 154.21 of the Revised Code.

(12) "Credit enhancement facilities" has the meaning given in division (H) of section 133.01 of the Revised Code.

(13) "Financing costs" has the meaning given in division (K) of section 133.01 of the Revised Code.

(14) "Interest" or "interest equivalent" has the meaning given in division (R) of section 133.01 of the Revised Code.

(B) Obligations issued under section 3345.07 or 3345.11 of the Revised Code by a state university or college shall be authorized by resolution of its board of trustees. Obligations issued by any other institution of higher education shall be authorized by resolution of its board of trustees, or managing directors in the case of certain university branch districts, as applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code apply to obligations. Obligations may be issued to pay costs of facilities even if the institution anticipates the possibility of a future state appropriation to pay all or a portion of such costs.

(C) Obligations shall be secured by a pledge of and lien on all or such part of the available receipts of the institution of higher education as it provides for in the bond proceedings, excluding moneys raised by taxation and state appropriations. Such pledge and lien may be made prior to all other expenses, claims, or payments, excepting any pledge of such available receipts previously made to the contrary and except as provided by any existing restrictions on the use thereof, or such pledge and lien may be made subordinate to such other expenses, claims, or payments, as provided in the bond proceedings. Obligations may be additionally secured by covenants of the institution to make, fix, adjust, collect, and apply such charges, rates, fees, rentals, and other items of available receipts as will produce pledged available receipts sufficient to meet bond service charges, reserve, and other requirements provided for in the bond proceedings. Notwithstanding this and any other sections of the Revised Code, the holders or owners of the obligations shall not be given the right and shall have no right to have excises or taxes levied by the general assembly for the payment of bond service charges thereon, and each such obligation shall bear on its face a statement to that effect and to the effect that the right to such payment is limited to the available receipts and special funds pledged to such purpose under the bond proceedings.

All pledged available receipts and funds and the proceeds of obligations are trust funds and, subject to the provisions of this section and the applicable bond proceedings, shall be held, deposited, invested, reinvested, disbursed, applied, and used to such extent, in such manner, at such times, and for such purposes, as are provided in the bond proceedings.

(D) The bond proceedings for obligations shall provide for the purpose thereof and the principal amount or maximum principal amount, and provide for or authorize the manner of determining the principal maturity or maturities, the sale price including any permitted discount, the interest rate or rates, which may be a variable rate or rates, or the maximum interest rate, the date of the obligations and the date or dates of payment of interest thereon, their denominations, the manner of sale thereof, and the establishment within or without the state of a place or places of payment of bond service charges. The bond proceedings also shall provide for a pledge of and lien on available receipts of the institution of higher education as provided in division (C) of this section, and a pledge of and lien on such fund or funds provided in the bond proceedings arising from available receipts, which pledges and liens may provide for parity with obligations theretofore or thereafter issued by the institution. The available receipts so pledged and thereafter received by the institution and the funds so pledged are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and

binding against all parties having claims of any kind against the institution, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement, or other document with respect thereto; and the pledge of such available receipts and funds shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation.

(E) The bond proceedings may contain additional provisions customary or appropriate to the financing or to the obligations or to particular obligations, including:

(1) The acquisition, construction, reconstruction, equipment, furnishing, improvement, operation, alteration, enlargement, maintenance, insurance, and repair of facilities, and the duties of the institution of higher education with reference thereto;

(2) The terms of the obligations, including provisions for their redemption prior to maturity at the option of the institution of higher education at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(3) Limitations on the purposes to which the proceeds of the obligations may be applied;

(4) The rates or rentals or other charges for the use of or right to use the facilities financed by the obligations, or other properties the revenues or receipts from which are pledged to the obligations, and rules for assuring use and occupancy thereof, including limitations upon the right to modify such rates, rentals, other charges, or regulations;

(5) The use and expenditure of the pledged available receipts in such manner and to such extent as shall be determined, which may include provision for the payment of the expenses of operation, maintenance, and repair of facilities so that such expenses, or part thereof, shall be paid or provided as a charge prior or subsequent to the payment of bond service charges and any other payments required to be made by the bond proceedings;

(6) Limitations on the issuance of additional obligations;

(7) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;

(8) The deposit, investment, and application of funds, and the safeguarding of funds on hand or on deposit without regard to Chapter 131. or 135. of the Revised Code, and any bank or trust company or other financial institution that acts as depository of any moneys under the bond proceedings shall furnish such indemnifying bonds or pledge such securities as required by the bond proceedings or otherwise by the institution of higher education;

(9) The binding effect of any or every provision of the bond proceedings upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(10) Any provision that may be made in a trust agreement or indenture;

(11) Any other or additional agreements with respect to the facilities of the institution of higher education, their operation, the available receipts and funds pledged, and insurance of facilities and of the institution its officers and employees.

(F) Such obligations may have the seal of the institution of higher education or a facsimile thereof affixed thereto or printed thereon and shall be executed by such officers as are

designated in the bond proceedings, which execution may be by facsimile signatures. Any obligations may be executed by an officer who, on the date of execution, is the proper officer although on the date of such obligations such person was not the proper officer. In case any officer whose signature or a facsimile of whose signature appears on any such obligation ceases to be such officer before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the person had remained such officer until such delivery; and in case the seal of the institution has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal continues to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(G) All such obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Pending preparation of definitive obligations, the institution of higher education may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(I) Such obligations may be secured additionally by a trust agreement or indenture between the institution of higher education and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without this state but authorized to exercise trust powers within this state. Any such agreement or indenture may contain the resolution authorizing the issuance of the obligations, any provisions that may be contained in the bond proceedings as authorized by this section, and other provisions which are customary or appropriate in an agreement or indenture of such type, including:

(1) Maintenance of each pledge, trust agreement, and indenture, or other instrument comprising part of the bond proceedings until the institution of higher education has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;

(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the institution of higher education made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations;

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;

(5) Such other provisions as the trustee and the institution of higher education agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(J) Each duty of the institution of higher education and its officers or employees, undertaken pursuant to the bond proceedings or any related agreement or lease made under authority of law, is hereby established as a duty of such institution, and of each such officer or employee having authority to perform such duty, specially enjoined by law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the members of the board of trustees or the managing directors of the institution or its

officers or employees are not liable in their personal capacities on such obligations, or lease, or other agreement of the institution.

(K) The authority to issue obligations includes authority to:

(1) Issue obligations in the form of bond anticipation notes and to renew them from time to time by the issuance of new notes. Such notes are payable solely from the available receipts and funds that may be pledged to the payment of such bonds, or from the proceeds of such bonds or renewal notes, or both, as the institution of higher education provides in its resolution authorizing such notes. Such notes may be additionally secured by covenants of the institution to the effect that it will do such or all things necessary for the issuance of such bonds or renewal notes in appropriate amount, and either exchange such bonds or renewal notes therefor or apply the proceeds thereof to the extent necessary, to make full payment of the bond service charges on such notes at the time or times contemplated, as provided in such resolution. Subject to the provisions of this division, all references to obligations in this section apply to such anticipation notes.

(2) Issue obligations to refund, including funding and retirement of, obligations previously issued to pay costs of facilities. Such obligations may be issued in amounts sufficient for payment of the principal amount of the obligations to be so refunded, any redemption premiums thereon, principal maturities of any obligations maturing prior to the redemption of any other obligations on a parity therewith to be so refunded, interest accrued or to accrue to the maturity date or dates of redemption of such obligations, and any expenses incurred or to be incurred in connection with such refunding or the issuance of the obligations.

(L) Obligations are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund, the administrator of workers' compensation in accordance with the investment policy established by the workers' compensation oversight commission pursuant to section 4121.12 of the Revised Code, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any state agency with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(M) All facilities purchased, acquired, constructed, or owned by an institution of higher education, or financed in whole or in part by obligations issued by an institution, and used for the purposes of the institution or other publicly owned and controlled college or university, is public property used exclusively for a public purpose, and such property and the income therefrom is exempt from all taxation and assessment within this state, including ad valorem and excise taxes. The obligations, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, are at all times free from taxation within the state. The transfer of tangible personal property by lease under authority of this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is not a sale as used in Chapter 5739. of the Revised Code.

(N) The authority granted by this section is cumulative with the authority granted to institutions of higher education under Chapter 154. of the Revised Code, and nothing in this section impairs or limits the authority granted by Chapter 154. of the Revised Code. In any lease, agreement, or commitment made by an institution of higher education under Chapter 154. of the Revised Code, it may agree to restrict or subordinate any pledge it may thereafter make under authority of this section.

(O) Title to lands acquired under this section and sections 3345.07 and 3345.11 of the Revised Code by a state university or college shall be taken in the name of the state.

(P) Except where costs of facilities are to be paid in whole or in part from funds appropriated by the general assembly, section 125.81 of the Revised Code and the requirement for certification with respect thereto under section 153.04 of the Revised Code do not apply to such facilities.

(Q) A state university or college may sell or lease lands or interests in land owned by it or by the state for its use, or facilities authorized to be acquired or constructed by it under section 3345.07 or 3345.11 of the Revised Code, to permit the purchasers or lessees thereof to acquire, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, or maintain and operate thereon and to provide by lease or otherwise to such institution, facilities authorized in section 3345.07 or 3345.11 of the Revised Code. Such land or interests therein shall be sold for such appraised value, or leased, and on such terms as the board of trustees determines. All deeds or other instruments relating to such sales or leases shall be executed by such officer of the state university or college as the board of trustees designates. The state university or college shall hold, invest, or use the proceeds of such sales or leases for the same purposes for which proceeds of borrowings may be used under sections 3345.07 and 3345.11 of the Revised Code.

(R) An institution of higher education may pledge available receipts, to the extent permitted by division (C) of this section with respect to obligations, to secure the payments to be made by it under any lease, lease with option to purchase, or lease-purchase agreement authorized under this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code.

3345.12.1 Notice to contiguous political subdivisions of planned capital improvement; comment or objection.

As used in this section:

(A) "Board of Trustees" means the board of trustees of a state university, university housing commission, state medical college, community college district, university branch district, technical college district, or state community college.

(B) "Political subdivision" means a municipal corporation, county, or township.

(C) "Institution" means all real property owned or leased by a board of trustees. If a board owns or leases two or more parcels of real property that are not contiguous to any other such real property, institution includes only that group of parcels that includes the parcel on which the educational facility is or is to be located.

(D) "Educational facility" means any building, structure, facility, utility, improvement, site, or other interest in real estate, together with any appurtenance necessary or convenient to the uses thereof, to be used for or in connection with the conduct or operation of an educational institution. Educational facilities include, but are not limited to, classrooms and other instructional facilities, laboratories, research facilities, libraries, study facilities, administrative and office facilities, museums, gymnasiums, campus walks, drives, and site improvements, streets, roads, bridges, dormitories and other suitable living quarters or accommodations, dining halls and other food service and preparation facilities, student services or activity facilities, physical education, athletic and recreational facilities, theatres, auditoriums, assembly and exhibition halls, greenhouses, agricultural buildings and facilities, parking, storage, and maintenance facilities, infirmary, hospital, medical, and health facilities, continuing education facilities, communications, fire prevention, and fire fighting facilities, and any one, part of, or combination of the foregoing, whether or not comprising part of one building, structure, or facility.

(E) "Capital facilities" means buildings, structures, and other improvements, equipment, real estate, and interests in real estate within this state, and any one, part of, or combination of

the foregoing, to serve the general purposes for which the political subdivision is authorized to issue obligations pursuant to Chapter 133. of the Revised Code, including, but not limited to, drives, roadways, parking facilities, walks, lighting, machinery, furnishings, utilities, landscaping, wharves, docks, piers, reservoirs, dams, tunnels, bridges, retaining walls, riprap, culverts, ditches, channels, watercourses, retention basins, standpipes and water storage facilities, waste treatment and disposal facilities, heating, air conditioning, and communications facilities, and site improvements.

(F) "Cost of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the facilities, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts necessary to establish reserves as required by the bond proceedings, costs of audits, the reimbursement of all moneys advanced or applied by or borrowed from any governmental agency, from whatever source provided, for the payment of any items of cost of the capital facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing thereof, and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses.

(G) "Legislative authority" means, in the case of a municipal corporation, its legislative authority; in the case of a township, its board of trustees; and in the case of a county, its board of commissioners.

Not later than the ninetieth day after the effective date of an initial appropriation by the general assembly for the construction or renovation of an educational facility that exceeds one hundred thousand dollars, the board of trustees of the institution receiving the appropriation shall, by certified mail, return receipt requested, submit to the legislative authority of each political subdivision within which the institution is located or to which it is contiguous, a written notice of the board's intention to proceed with such construction or renovation. This notice shall include a description of the construction or renovation, the estimated date for opening bids therefor, and estimated date of the completion of the construction or renovation.

Not later than the sixtieth day after it receives the notice, the legislative authority may, by certified mail, return receipt requested, forward its comments or objections on the proposed construction or renovation to the board, which shall include, but need not be limited to, a description of any capital facilities it determines the political subdivision will be required to make as a direct or indirect consequence of the construction or renovation and the estimated costs of such capital facilities. The board shall not advertise for bids for the construction or renovation until it has received comments or objections from the legislative authority or until sixty days have elapsed since the legislative authority received the notice, whichever is earlier. The board shall maintain as part of its permanent records, any comments or objections received from the legislative authority and any action taken by the board with respect to such comments or objections.

3345.12.2 Immunity of trustees.

Notwithstanding any other provision of law, a member of a board of trustees of an institution of higher education, as defined in section 3345.12 of the Revised Code, is not liable in

damages in a civil action for injury, death, or loss to person or property that allegedly is caused by an expenditure made or a contract entered into by the institution of higher education unless the trustee acted with malicious purpose, in bad faith, or in a wanton or reckless manner with respect to the expenditure or contract.

3345.13 Duplication of keys of state colleges and universities.

No person shall knowingly make or cause to be made any key for any building, laboratory, facility, or room of any college or university which is supported wholly or in part by the state of Ohio, contrary to any regulation respecting duplication of keys adopted by the board of trustees of such college or university.

3345.14 Rights to and interests in discoveries, inventions or patents.

(A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university may adopt rules in accordance with section 111.15 of the Revised Code that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in discoveries or inventions made or created by that employee or in patents issued to that employee.

(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or other association as described in division (D)(1) of this section;

(b) A requirement that all disclosures made under division (D)(2)(a) of this section are reviewed by officials designated by the college or university board of trustees. The officials designated under this division shall determine the information that shall be disclosed and safeguards that shall be applied in order to manage, reduce, or eliminate any actual or potential conflict of interest.

(c) A requirement that in implementing division (D) of this section all members of the college or university board of trustees shall be governed by Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code.

(d) Guidelines to ensure that any financial interest held by any employee of the college or university does not result in misuse of the students, employees, or resources of the college or university for the benefit of the firm, corporation, or other association in which such interest is held or does not otherwise interfere with the duties and responsibilities of the employee who holds such an interest.

(3) Rules established under division (D)(1) of this section may include other provisions at the discretion of the college or university board of trustees.

(E) Notwithstanding division (D) of this section, the Ohio ethics commission retains authority to provide assistance to a college or university board of trustees in the implementation of division (D)(2) of this section and to address any matter that is outside the scope of the exception to division (B) of this section as set forth in division (D) of this section or as set forth in rules established under division (D) of this section.

3345.15 Attorney and legal adviser.

The attorney general shall be the attorney for each state college and university and shall provide legal advice in all matters relating to its powers and duties.

3345.16 Acceptance of donations; investment of endowment donations; investment in property.

The board of trustees of a state college or university may receive, and hold in trust, for the use and benefit of the college or university any grant or devise of land, and donation or bequest of money or other personal property, to be applied to the general or special use of the college or university, including use for student loan and scholarship purposes, unless otherwise directed in the donation or bequest.

The board of trustees of a state college or university may utilize trust funds to invest in property, real and personal, as a portion of the holdings in the endowment portfolio under the trust powers imparted to the board of trustees. Such property, real or personal, acquired for investment purposes shall be managed by the board of trustees in the same manner as are other investments in the college's or university's endowment portfolio. The board of trustees may lease, lease back, or otherwise contract for the use of such property in such manner as to provide earning power for the college or university investment portfolio. Sections 123.01, 123.04, 123.15, and 123.47 of the Revised Code do not apply to properties, real and personal, held under this section as earning-power properties in the college or university endowment portfolio.

Notwithstanding any provision of the Revised Code to the contrary, the title in properties, real and personal, purchased by a board of trustees as an investment and held in the college's or university's endowment portfolio shall not be vested in the state, but shall be held in trust by the board.

3345.17 Property exempt from taxation.

All property, personal, real, or mixed of the boards of trustees and of the housing commissions of the state universities, the northeastern Ohio universities college of medicine, and of the state held for the use and benefit of any such institution, which is used for the support of such institution, is exempt from taxation so long as such property is used for the support of such university or college.

3345.18 Conveyance of lands by boards of trustees.

The boards of trustees of the state universities, or other university or college created by the general assembly, may upon such consideration, terms, and conditions as are approved by them, grant to any municipal corporation or county, or transfer to the director of transportation, the

right to use in perpetuity or for such period of time as such board shall specify, any lands owned by any such university or college or any lands of the state under its supervision or control, for any street, road, or highway purpose which may include, or be limited to, areas or space on, above, or below the surface. Such grant or transfer may be subject to a reserved right of any such board of trustees, their successors and assigns, to use, improve, and permit the use and improvement of, such lands for buildings, structures, and other uses and purposes as shall not interfere with the use granted for streets, road, or highway purposes. Such grant or transfer shall be authorized by resolution of the board of trustees and such grant shall be executed in the same form and manner as is provided for by section 5301.13 of the Revised Code and shall be recorded in the records of deeds of the county or counties in which such lands are situated.

3345.18.1 Contracts for mining of minerals or production of oil and gas.

(A) The board of trustees of a state university, by majority vote, may make, execute, and deliver contracts or leases to mine minerals upon lands under the supervision of such board, to any

person or public entity that complies with the terms prescribed by the board. Such contracts or leases shall not operate as a conveyance of the fee to any part of the realty.

(B) A board, by majority vote, may make expenditures and may enter into contracts with any person or public entity for the purposes of investigating, exploring, prospecting, or drilling for petroleum and gas and the constituent components and mineral by-products thereof upon lands under the supervision of such board, and for the purposes of extracting, producing, selling, using, or transporting such petroleum, gas, components, and byproducts.

(C) The board may use the proceeds derived from its actions under division (A) or (B) of this section for the furthering of any of the purposes of the university.

3345.19 State university enrollment limitations.

In the exercise of their respective powers of government conferred by Chapter 3345. of the Revised Code and other pertinent provisions of law, the boards of trustees of Bowling Green state university, Kent state university, Miami university, Ohio university, and the Ohio state university shall observe the following enrollment limitations insofar as the autumn quarter enrollment or any other quarter enrollment on a full-time basis as defined by the Ohio board of regents is concerned:

Bowling Green central campus	17,000
Kent central campus	22,000
Miami central campus	17,000
Ohio university central campus	22,000
The Ohio state central campus	42,000

Campus student housing facilities shall only be authorized by boards of trustees within these limitations.

3345.20 Liability insurance for student teachers and students in teach preparation programs.

(A) The board of trustees of a state college, university, or state affiliated college or university may procure a policy or policies insuring its student teachers against liability on account of damages or injury to persons or property, in respect to the acts of student teachers occasioned by any incident occurring in the course of the performance of their duties during the period of their assignment to any school.

(B) The board also may procure a policy or policies insuring its students participating in

clinical or field-based teacher preparation experiences against liability on account of damages for injury to persons or property, including death by wrongful act, in respect to the acts of such students occasioned by any incident occurring in the course of the preparation experiences and during the period of their assignment to any school or other entity.

(C) No person shall be covered under an insurance policy, as permitted by this section, if such person acts:

- (1) Manifestly outside the scope of employment or official responsibility;
- (2) With malicious purpose;
- (3) In bad faith; or
- (4) In wanton or reckless manner.

3345.20.1 Liability insurance for hospital services.

The board of trustees of a state college or university which operates a clinical teaching or research hospital or ambulatory facility may purchase liability insurance for the agents, employees, students, nurses, interns, and resident physicians of such hospital against all liability arising from their performance of services on behalf of such hospital or facility.

The boards of trustees of the northeastern Ohio universities college of medicine, Ohio university, and the Wright state university if they provide clinical instruction programs in the facilities of a hospital not operated by the college or university, may purchase liability insurance for agents, employees, students, nurses, interns, and resident physicians performing services in relation to such hospital against all liability arising from their performance of services on behalf of such college or university.

Such insurance may be provided by one or more insurance policies.

3345.20.2 Board of trustees may provide liability insurance coverage.

(A) As used in this section, "state university or college" has the same meaning as in division (A)(1) of section 3345.12 of the Revised Code.

(B) The board of trustees of a state university or college may provide insurance coverages, in any amount authorized by the board, protecting the state university or college, the members of the board, the officers and employees of the state university or college, or other persons authorized by the board, or any one or more of them, against loss or liability that arises or is claimed to have arisen from acts or omissions while acting within the scope of their employment or official responsibilities or while engaged in activities at the request or direction, or for the benefit, of the state university or college.

Such coverage may be provided in any one or more of the following ways:

(1) The purchase of a policy or policies of liability insurance from an insurer or insurers licensed to do business in this state;

(2) Establishment or participation in a program of self-insurance, by trust or in any other manner the board considers prudent. Any self-insurance program shall file annually, with the superintendent of insurance, a report certified by a competent property and casualty actuary. The superintendent of insurance shall review such report. If such a self-insurance program has more than a single college or university participant, all participants shall be provided with the annual actuarial reports of the program.

(3) Establishment of or participation in a captive insurance company that is licensed to do business in this state, another state, or a foreign country.

(C) Insurance coverages under division (B)(1), (2), or (3) of this section may include coverage for the defense or costs of defense or settlement, including attorney's fees, of any covered person or entity and be paid for from any funds under the control of the state university or college.

(D) Provision of any insurance coverage under divisions (B)(1) to (3) of this section is not a waiver of any immunity or defense available to the state university or college or to any covered person or entity.

3345.21 Authority to maintain law and order on campus.

The board of trustees of any college or university which receives any state funds in support thereof, shall regulate the use of the grounds, buildings, equipment, and facilities of such college or university and the conduct of the students, staff, faculty, and visitors to the campus so that law and order are maintained and the college or university may pursue its educational objectives and programs in an orderly manner.

The board of trustees of each such college or university shall adopt rules for the conduct of the students, faculty, visitors, and staff, and may provide for the ejection from college or university property, suspension or expulsion of a person who violates such regulations. All such rules shall be published in a manner reasonably designed to come to the attention of, and be available to, all faculty, staff, visitors, and students.

The board of trustees shall provide for the administration and enforcement of its rules and may authorize the use of state university law enforcement officers provided for in section 3345.04 of the Revised Code to assist in enforcing the rules and the law on the campus of the college or university. The board of trustees, or appropriate officials of such college or university when the authority to do so has been delegated by the board of trustees, may seek the assistance of other appropriate law enforcement officers to enforce the rules and to enforce laws for the preservation of good order on the campus, and to prevent the disruption of the educational functions of the college or university.

The rules of the board of trustees shall not restrict freedom of speech nor the right of persons on the campus to assemble peacefully.

3345.22 Hearing for arrested college student or employee.

(A) A student, faculty or staff member, or employee of a college or university that receives any state funds in support thereof, arrested for any offense covered by division (D) of section 3345.23 of the Revised Code shall be afforded a hearing, as provided in this section, to determine whether the person shall be immediately suspended from the college or university. The hearing shall be held within not more than five days after the person's arrest, subject to reasonable continuances for good cause shown, which continuances shall not exceed a total of ten days.

(B) The arresting authority shall immediately notify the president of the college or university of the arrest of a student, faculty or staff member, or employee of the college or university for any offense covered by division (D) of section 3345.23 of the Revised Code. The hearing to determine whether the person shall be immediately suspended shall be held in the county where the college or university is located, before a referee appointed by the president. The referee shall be an attorney admitted to the practice of law in Ohio, but the referee shall not be attorney for, or a faculty or staff member or employee of, any college or university. Immediate notice of the time and place of the hearing shall be given or sent to the person.

(C) The referee may administer oaths, issue subpoenas to compel the attendance of witnesses and the production of evidence, and enforce the subpoenas, as well as preserve the order and decorum of the proceedings over which the referee presides, by means of contempt

proceedings in the court of common pleas as provided by law.

(D) The hearing shall be adversary in nature and shall be conducted fairly and impartially, but the formalities of the criminal process are not required. A person whose suspension is being considered has the right to be represented by counsel but counsel need not be furnished for the person. The person also has the right to cross-examine witnesses against the person, to testify, and to present the testimony of witnesses and other evidence in the person's behalf. In the absence of a waiver of the right against compulsory self-incrimination, the testimony of a person whose suspension is being considered, given at the hearing, shall not subsequently be used in any criminal proceeding against the person. The referee may require the separation of witnesses and may bar from the proceedings any person whose presence is not essential to the proceedings, except that members of the news media shall not be barred from the proceedings.

(E) Upon hearing, if the referee finds by a preponderance of the evidence that the person whose suspension is being considered committed any offense covered by division (D) of section 3345.23 of the Revised Code, the referee shall order the person suspended, except that when the good order and discipline of a college or university will not be prejudiced or compromised thereby, the referee may permit the person to return to the college or university on terms of strict disciplinary probation. Subsequent violation of the terms of the probation automatically effects a suspension. A person suspended under this section may be readmitted pursuant to division (A) of section 3345.23 of the Revised Code. A suspension under this section is in effect until the person is acquitted or convicted of the crime for which the person was arrested. If convicted, the person is dismissed pursuant to section 3345.23 of the Revised Code.

(F) Upon acquittal, or upon any final judicial determination not resulting in conviction, of the charges for which a person is suspended pursuant to this section, the suspension automatically terminates, and the person suspended shall be reinstated and the record of the suspension expunged from the person's college or university record.

(G) An order of a referee pursuant to this section may be appealed on questions of law and fact to the court of common pleas of the county in which the college or university is located, within twenty days after the date of the order. If the court to which an appeal is taken determines that the good order and discipline of a college or university will not be prejudiced thereby, it may permit the person suspended to return to the college or university on terms of strict disciplinary probation.

(H) A person afforded a hearing pursuant to this section who does not appear at the hearing shall be declared suspended by the hearing officer.

3345.23 Dismissal of student or faculty or staff member on conviction of certain offenses.

(A) The conviction of a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof, of any offense covered by division (D) of this section, automatically effects the student's, faculty or staff member's, or employee's dismissal from such college or university, except as provided in division (E) of this section. A student dismissed pursuant to this section may be readmitted or admitted to any other college or university which receives state funds in support thereof, in the discretion of the board of trustees, but only upon the lapse of one calendar year following the student's dismissal, and only upon terms of strict disciplinary probation. The contract, if any, of a faculty or staff member or employee dismissed pursuant to this section is terminated thereby. A faculty or staff member or employee dismissed pursuant to this section may be re-employed by any such college or university, in the discretion of the board of trustees, but only upon the lapse of one calendar year following the faculty or staff member's or employee's dismissal.

(B) Upon conviction of a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof, of any offense covered by division (D) of this section, the court shall immediately notify the college or university of such conviction. The president, or other administrative official designated by the board of trustees, shall

immediately notify such person of the person's dismissal. The notice shall be in writing and shall be mailed by certified mail to the person's address as shown in both the court and the university records. If such person has been suspended pursuant to section 3345.22 of the Revised Code, and not permitted to return to the college or university, the period of the person's dismissal shall run from the date of such suspension.

(C) No degrees or honors shall be conferred upon, no instructional credit or grades shall be given to, and no student assistance, scholarship funds, salaries, or wages shall be paid or credited to any student, faculty or staff member, or employee, in respect of the period such person is properly under dismissal pursuant to this section or under suspension pursuant to section 3345.22 of the Revised Code.

(D) Without limiting the grounds for dismissal, suspension, or other disciplinary action against a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof, the commission of an offense of violence as defined in division (A)(9)(a) of section 2901.01 of the Revised Code or a substantially equivalent offense under a municipal ordinance, which offense is committed on or affects persons or property on such college or university, or which offense is committed in the immediate vicinity of a college or university with respect to which an emergency has been declared and is in effect pursuant to section 3345.26 of the Revised Code, is cause for dismissal pursuant to this section or for suspension pursuant to section 3345.22 of the Revised Code. Criminal cases resulting from arrests for offenses covered by division (D) of this section shall take precedence over all civil matters and proceedings and over all other criminal cases.

(E) If a final judicial determination results in an acquittal, or if the conviction is reversed on appeal, the student, faculty or staff member, or employee shall be reinstated and the college or university shall expunge the record of the student's, faculty or staff member's, or employee's dismissal from the student's, faculty or staff member's, or employee's college or university records, and the dismissal shall be deemed never to have occurred.

3345.24 Authority and regulations of college administrations.

(A) Sections 3345.22 and 3345.23 of the Revised Code shall be applied and followed, notwithstanding any rule, regulation, or procedure of the college or university, but such sections shall not be construed to limit any duty or authority of the board of trustees, administrative officials, or faculty of such college or university to take appropriate disciplinary action, through such procedures as may be provided by rule, regulation, or custom of such college or university, against students, faculty or staff members, or employees, nor shall such sections be construed to modify, limit, or rescind any rule or regulation of the college or university not inconsistent therewith.

(B) Sections 3345.22 and 3345.23 of the Revised Code shall not be construed as modifying or limiting the duty or authority of the board of trustees or president of a college or university to summarily suspend a student, faculty or staff member, or employee, when necessary to preserve the good order and discipline of such college or university, provided that the person suspended is given notice of suspension and the reasons therefor, and is afforded a fair and impartial hearing within a reasonable time thereafter, under regular procedures of the college or university. The duty and authority of the board of trustees or president of a college or university to impose summary suspension shall not be abrogated or limited in any way by any rule or regulation.

(C) To the extent that sections 3345.22 and 3345.23 of the Revised Code conflict with civil service requirements and procedures, persons otherwise subject to disciplinary action pursuant to such sections, but who are employees in the classified civil service, shall be disciplined according to civil service requirements and procedures.

3345.25 Dismissed or suspended person not to enter college premises.

No student, faculty or staff member, or employee under dismissal or suspension from a

college or university pursuant to section 3345.22 or 3345.23 of the Revised Code, shall enter or remain upon the land or premises of the college or university from which he was suspended or dismissed, without the express permission of the board of trustees or the president.

3345.26 State of emergency declared.

(A) The board of trustees or president of a college or university which receives any state funds in support thereof, may declare a state of emergency when there is a clear and present danger of disruption of the orderly conduct of lawful activities at such college or university through riot, mob action, or other substantial disorder, and may do any one or more of the following, as are necessary to preserve order and discipline at such college or university during such emergency:

(1) Limit access to university property and facilities by any person or persons;

(2) Impose a curfew;

(3) Restrict the right of assembly by groups of five or more persons;

(4) Provide reasonable measures to enforce limitations on access, a curfew, and restrictions on the right of assembly imposed pursuant to this section.

(B) Notice of action taken pursuant to division (A) of this section shall be posted or published in such manner as is reasonably calculated to reach all persons affected.

(C) Division (A)(1) and (A)(2) of this section shall not be construed to limit the authority of the board of trustees, president, or other proper official of a college or university to impose reasonable restrictions on use of and access to, and the hours of use of and access to university property and facilities, for purposes of regulating the proper operation of such university, and regardless whether any emergency exists.

3345.27 Senior citizens to attend classes on a nontuition, noncredit, space available basis; tuition or fee for receiving credit.

(A) Each state university or college shall permit any person who is sixty years of age or older and who has resided in the state for at least one year to attend its courses and classes without charging that person a tuition or matriculation fee, provided the attendance is on a noncredit basis, is in courses where classroom space is available, and is approved by the instructors of the courses involved. The university or college may require payment of special fees, including any laboratory fees, if the fees are required of all students taking a course. Each university or college shall issue rules for determining the availability of classroom space and may issue such other rules as it considers necessary to implement this section, including rules exempting from the requirements of this section courses or classes for which special course or training prerequisites apply, in which physical demands upon students are inappropriate for imposition upon persons sixty years of age or older, or in which the number of participating regular students is insufficient to cover the university's or college's course-related expenses. A university or college also may extend to persons attending its courses and classes under this section any other student rights or privileges it considers appropriate.

(B) A state university or college may permit a person to attend its courses and classes and to receive credit for a course taken under the conditions set forth in division (A) of this section if that person's family income is less than two hundred per cent of the federal poverty guideline, as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981) 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. However, a person receiving credit for attending courses or classes under this division may be charged a tuition or matriculation fee in an amount no greater than the amount of

any part-time student instructional grant awarded to that person by the state university or college in its discretion.

(C) For the purposes of this section, "state university or college" means any of the following:

- (1) State universities referred to in section 3345.01.1 of the Revised Code;
- (2) Community colleges created pursuant to Chapter 3354. of the Revised Code;
- (3) University branches created pursuant to Chapter 3355. of the Revised Code;
- (4) Technical colleges created pursuant to Chapter 3357. of the Revised Code;
- (5) State community colleges created pursuant to Chapter 3358. of the Revised Code;
- (6) Municipal educational institutions serving as affiliated units pursuant to section 3349.31 of the Revised Code.

3345.28 Establish and administer faculty improvement programs.

The board of trustees of any state university, college of medicine, technical college, state community college, community college, or the board of trustees or managing authority of any university branch may establish and administer a faculty improvement program, under which any full-time faculty member with at least seven academic years of teaching service at the college, university, or branch may be granted professional leave for a period not to exceed one academic year to engage in further education, research, or any other purpose approved by the board. A board of trustees or managing authority that establishes such a program shall, by rule, adopt a definition of "academic years of teaching service" and "full-time faculty member."

No such board or authority shall pay any faculty member for or during a period of professional leave any salary exceeding the amount that would have been paid to such faculty member for performing his regular duties during the period of the leave. No faculty member shall, by virtue of being on professional leave, suffer a reduction or termination of his regular employee retirement or insurance benefits or of any other benefit or privilege he receives as a faculty member at the college, university, or branch where he is employed. Whenever such a benefit would be reduced because of a reduction in the faculty member's salary during the period of professional leave, the faculty member shall be given a chance to have the benefit increased to its normal level, in accordance with rules adopted by the board of trustees or the managing authority. A faculty member who has been granted professional leave shall complete another seven years of service at the college, university, or branch at which he is employed before he becomes eligible for another grant of professional leave at that college, university, or branch. Professional leave taken as part of a faculty improvement program established under this section shall not be deemed to be in lieu of released time or assigned duty in connection with a specific research, scholarly, or creative program.

Boards of trustees and managing authorities may accept moneys from any person, political subdivision, or the federal government to support a faculty improvement program, and may establish such additional rules as are necessary to establish and administer it.

Each grant of professional leave shall be in accordance with a professional improvement policy for professional leaves that has been approved by the board of trustees or the managing authority. No professional leave shall be granted that requires a compensating addition to the permanent faculty or staff of the college, university, or branch. No professional leave shall be approved unless a specific plan for the professional improvement of the faculty member while on leave has been submitted to and accepted by the president of the university, college, or branch. At the completion of the leave, the faculty member shall submit to the president a report detailing

the attainments of the faculty member under this professional improvement plan.

Not later than the thirtieth day of June of each year, the chancellor of the board of regents shall report to the chairmen of the education committees of the house of representatives and the senate on the status of implementation of faculty improvement programs. The report shall include, but need not be limited to, the following: the number of professional leave grants made by each institution; the purpose of each professional leave; and a statement of the cost to the institution of each professional leave, to the extent that such cost exceeds the salary of the faculty member on professional leave.

3345.28.1 Teaching assistants to be orally proficient in English.

As used in this section, "teaching assistant" means a student enrolled full-time or part-time in a graduate degree program at an educational institution for which the student has received an appointment to provide classroom-related services.

The board of trustees of each state university, college of medicine, technical college, state community college, community college, and the board of trustees or managing authority of each university branch shall establish a program to assess the oral English language proficiency of all teaching assistants providing classroom instruction to students and shall ensure that teaching assistants who are not orally proficient in the English language attain such proficiency prior to providing classroom instruction to students.

3345.29 Contract compliance office established.

Each state university listed in section 3345.011 of the Revised Code and each state college established through procedures provided in Chapter 3354., 3357., or 3358. of the Revised Code shall establish an office of contract compliance which shall be located in the office of the vice president for business and administration, or its equivalent. The office of contract compliance shall:

(A) Monitor all contracts for construction, materials, services, and consulting to ensure compliance with state and federal law regarding affirmative action programs and equal employment opportunity and notify, in writing, any contractor of any preliminary finding of noncompliance;

(B) Review and approve all contracts prior to final execution;

(C) Keep such current records on contractors that have been reviewed as the contract compliance officer shall require;

(D) Maintain a copy of all contracts and purchase orders;

(E) Issue a stop-work order on any construction project where one or more of the contractors on such project has failed in the opinion of the office to comply with state or federal affirmative action or equal employment opportunity within thirty days of receiving notification of noncompliance under division (A) of this section.

3345.30 Liability insurance for students in required field-based or clinical activities; indemnification of student.

(A) As used in this section, "course required for graduation" means an accredited, academic course that a state college or university, by published rule or bulletin, requires all candidates for a particular degree to complete successfully in order to be awarded the degree.

(B) In addition to the authority granted in any other section of the Revised Code to boards of trustees of a state college or university, such board of trustees may purchase for its

students a policy or policies of insurance, other than motor vehicle or automobile liability insurance, against liability on account of damages or injury to persons or property, including death by wrongful act, resulting from the acts or omissions of such students that occur in the performance of any assigned field-based or clinical activity necessary to fulfill the requirements of a course required for graduation offered by the college or university.

(C)(1) Whether or not such insurance is purchased, such board may, to the extent it considers appropriate, indemnify or agree to indemnify and hold harmless any such student against expense, including attorney's fees, damage, loss, or other liability arising out of or claimed to have arisen out of, injury to person or property, including death by wrongful act, resulting from the acts or omissions of the indemnified student while engaged in assigned clinical or field-based activities necessary to fulfill the requirements of a course required for graduation offered by the college or university.

(2) Any board electing to indemnify such students, or to agree to so indemnify, shall reserve such funds as are necessary, in the exercise of sound and prudent actuarial judgment, to cover the potential expense, fees, damage, loss, or other liability. Such board shall, annually on or before the ninetieth day after the end of the calendar year, submit to the superintendent of insurance for his approval of a report of amounts so reserved and disbursements made from such funds, together with a written opinion of an independent actuarial firm as to whether the amounts reserved conform to the requirements of this division. The superintendent shall inform the board of his approval or disapproval of the report. In the case of a disapproval, the superintendent shall order the board to comply with this division within a period of time to be determined by the superintendent.

The board shall contract with an independent actuarial firm for the preparation of the written evaluation of the reserve funds required by this division.

(3) The aggregate amount of indemnity provided under this division shall not exceed one million dollars per occurrence. The board may purchase liability insurance coverage to cover any student liability in excess of such aggregate amount.

(D) No person shall be indemnified, or covered under an insurance policy, as permitted by this section, if such person acts:

- (1) Manifestly outside the scope of employment or official responsibility;
- (2) With malicious purpose;
- (3) In bad faith; or
- (4) In wanton or reckless manner.

3345.31 Boards of trustees may establish compensation plans.

The boards of trustees of a state university, the board of trustees of the northeastern Ohio universities college of medicine, the board of trustees of a technical college or community college district, and the board of control of the Ohio agricultural research and development center may establish compensation plans, including schedules of hourly rates, for the compensation of all employees and may establish rules or policies for the administration of their respective compensation plans.

The provisions of this section do not apply to employees for whom the state employment relations board establishes appropriate bargaining units pursuant to section 4117.06 of the Revised Code.

3345.32 Student noncompliance with selective service law.

(A) As used in this section:

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeastern Ohio universities college of medicine.

(2) "Resident" has the meaning specified by rule of the Ohio board of regents.

(3) "Statement of selective service status" means a statement certifying one of the following:

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;

(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:

- (i) The individual is under eighteen or over twenty-six years of age.
- (ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.
- (iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.
- (iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.

(B) The Ohio board of regents shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (F) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The board of regents may require that such statements be accompanied by documentation specified by rule of the board.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses under section 3315.33, 3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 5910.032, or 5919.34 of the

Revised Code unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

3345.33 Removal of armed forces training unit or class; restrictions on presentation of career information or governmental recruiting.

(A) As used in this section:

(1) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(2) "Armed forces" has the same meaning as in section 3313.47.1 of the Revised Code.

(3) "State or federal government" means the United States government, the state of Ohio, or any other state or any agency, armed forces unit, or other institution of the United States government, the state of Ohio, or any other state.

(B) No board of trustees of a state university or college shall remove from the curriculum, the campus, or any facility of the university or college any navy, army, air force, or marine ROTC units or classes or any other armed forces training unit or class unless the removal is approved through a law enacted by the general assembly or is the result of a reduction in such units or classes by the United States department of defense.

(C) Except as provided under division (D) of this section, no board of trustees of a state university or college shall impose any restriction on the presentation of career information to students that is not uniformly imposed on representatives of the armed forces, business, industry, charitable institutions, other employers, and institutions of higher education.

(D) No state university or college shall prohibit any agency, unit, subdivision, or entity of the government of the United States, of the state, or of any other state from recruiting students on its campus for employment. Each state university or college shall provide to any state or federal government representative any employment recruitment or placement services that the university or college provides to the representatives of any other employer.

3345.34 Student trustees not to receive special benefits.

(A) No student trustee of a state university shall use his trusteeship to influence any grade or other evaluation of his performance made by a member of the faculty or other employee of the state university.

(B) No member of the faculty or other employee of a state university shall confer any favor, advantage, preference, or other benefit on a student trustee because of the student's trusteeship.

3345.40 Damages awardable for wrongful death or injury to person or property.

(A) As used in this section:

(1) "State university or college" has the same meaning as in division (A)(1) of section 3345.12 of the Revised Code.

(2)(a) "The actual loss of the person who is awarded the damages" includes all of the following:

(i) All wages, salaries, or other compensation lost by an injured person as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the injured person;

(ii) All expenditures of an injured person or of another person on behalf of an injured person for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that were necessary because of the injury;

(iii) All expenditures to be incurred in the future, as determined by the court, by an injured person or by another person on behalf of an injured person for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that will be necessary because of the injury;

(iv) All expenditures of a person whose property was injured or destroyed, or of another person on behalf of such a person, in order to repair or replace the property that was injured or destroyed;

(v) All expenditures of an injured person, of a person whose property was injured or destroyed, or of another person on behalf of an injured person or a person whose property was injured or destroyed, in relation to the actual preparation or presentation of the claim of the person;

(vi) Any other expenditures of an injured person, of a person whose property was injured or destroyed, or of another person on behalf of an injured person or a person whose property was injured or destroyed, that the court determines represent an actual loss experienced because of the personal or property injury or property loss.

(b) "The actual loss of the person who is awarded the damages" does not include either of the following:

(i) Any fees paid or owed to an attorney for any services rendered in relation to a personal or property injury or property loss;

(ii) Any damages awarded for pain and suffering, for the loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education of an injured person, for mental anguish, or for any other intangible loss.

(B) Notwithstanding any other provision of the Revised Code or rules of a court to the contrary, in an action against a state university or college to recover damages for injury, death, or loss to persons or property caused by an act or omission of the state university or college itself, by an act or omission of any trustee, officer, or employee of the state university or college while acting within the scope of his employment or official responsibilities, or by an act or omission of any other person authorized to act on behalf of the state university or college that occurred while he was engaged in activities at the request or direction, or for the benefit, of the state university or college, the following rules shall apply:

(1) Punitive or exemplary damages shall not be awarded;

(2) If a plaintiff receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall be deducted from any award against the state university or college recovered by the plaintiff. No insurer or other person is entitled to bring a civil action under a subrogation provision in an insurance or other contract against a state university or college with respect to such benefits.

Nothing in this division affects or shall be construed to limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds.

(3) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a state university or college.

3345.41 Posting of warning concerning anabolic steroids.

(A) As used in this section:

(1) "Anabolic steroid" has the same meaning as in section 3719.41 of the Revised Code.

(2) "State university or college" has the same meaning as in section 3345.32 of the Revised Code.

(B) The board of trustees of each state university or college shall require the following warning to be conspicuously posted in locker rooms of recreational and athletic facilities operated by the state university or college for use by students:

"Warning: Improper use of anabolic steroids may cause serious or fatal health problems, such as heart disease, stroke, cancer, growth deformities, infertility, personality changes, severe acne, and baldness. Possession, sale, or use of anabolic steroids without a valid prescription is a crime punishable by a fine and imprisonment."

3345.45 Standards for faculty instructional workloads; faculty workload policies.

On or before January 1, 1994, the Ohio board of regents jointly with all state universities, as defined in section 3345.01.1 of the Revised Code, shall develop standards for instructional workloads for full-time and part-time faculty in keeping with the universities' missions and with special emphasis on the undergraduate learning experience. The standards shall contain clear guidelines for institutions to determine a range of acceptable undergraduate teaching by faculty.

On or before June 30, 1994, the board of trustees of each state university shall take formal action to adopt a faculty workload policy consistent with the standards developed under this section. Notwithstanding section 4117.08 of the Revised Code, the policies adopted under this section are not appropriate subjects for collective bargaining. Notwithstanding division (A) of section 4117.10 of the Revised Code, any policy adopted under this section by a board of trustees prevails over any conflicting provisions of any collective bargaining agreement between an employees organization and that board of trustees.

3345.50 Administration of capital facilities project – state appropriations under \$4 million.

Notwithstanding anything to the contrary in sections 123.01 and 123.15 of the Revised Code, a state university, a state community college, or the northeastern Ohio universities college of medicine not certified pursuant to section 123.17 of the Revised Code may administer any capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction for which the total amount of funds expected to be appropriated by the general assembly does not exceed four million dollars without the supervision, control, or approval of the department of administrative services as specified in those sections, if both of the following occur:

(A) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the Ohio board of regents in writing of its intent to administer the capital facilities project;

(B) The board of trustees complies with the guidelines established pursuant to section 153.16 of the Revised Code and all laws that govern the selection of consultants, preparation and approval of contract documents, receipt of bids, and award of contracts with respect to the project.

The board of regents shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the administration by any such institution of higher education of a capital facilities project for which the total amount of funds expected to be appropriated by the general assembly exceeds four million dollars. The criteria, to be developed with the department of administrative services and higher education representatives selected by the board of regents, shall include such matters as the adequacy of the staffing levels and expertise needed for the institution to administer the project, past performance of the institution in administering such projects, and the amount of institutional or other nonstate money to be used in financing the project. The board of regents and the department of administrative services shall approve the request of any such institution of higher education that seeks to administer any such capital facilities project and meets the criteria set forth in the rules and in the requirements of division (B) of this section.

3345.51 Administration of capital facilities project – state appropriations immaterial.

(A) Notwithstanding anything to the contrary in sections 123.01 and 123.15 of the Revised Code, a state university, the northeastern Ohio universities college of medicine, or a state community college may administer any capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction for which funds are appropriated by the general assembly without the supervision, control, or approval of the department of administrative services as specified in those sections, if all of the following occur:

(1) The institution is certified by the state architect under section 123.17 of the Revised Code;

(2) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the Ohio board of regents in writing of its request to administer the capital facilities project and the board of regents approves that request pursuant to division (B) of this section;

(3) The board of trustees passes a resolution stating its intent to comply with section 153.13 of the Revised Code and the guidelines established pursuant to section 153.16 of the Revised Code and all laws that govern the selection of consultants, preparation and approval of contract documents, receipt of bids, and award of contracts with respect to the project.

(B) The board of regents shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the administration by any such institution of higher education of a capital facilities project for which the general assembly appropriates funds. The criteria, to be developed with the department of administrative services and higher education representatives selected by the board of regents, shall include such matters as the adequacy of the staffing levels and expertise needed for the institution to administer the project, past performance of the institution in administering such projects, and the amount of institutional or other nonstate money to be used in financing the project. The board of regents shall approve the request of any such institution of higher education that seeks to administer any such capital facilities project and meets the criteria set forth in the rules and the requirements of division (A) of this section.

(C) Any institution that administers a capital facilities project under this section shall conduct biennial audits for the duration of the project to ensure that the institution is complying with Chapters 9., 123., and 153. of the Revised Code and that the institution is using its certification issued under section 123.17 of the Revised Code appropriately. The board of regents, in consultation with higher education representatives selected by the board, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the conduct of the audits. The criteria shall include documentation necessary to determine compliance with Chapters 9., 123., and 153. of the Revised Code and a method to determine whether an institution is using its certification issued under section 123.17 of the Revised Code appropriately.

(D) The board of regents, in consultation with higher education representatives selected by the board, shall adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria for monitoring capital facilities projects administered by institutions under this section. The criteria shall include the following:

(1) Conditions under which the board of regents may revoke the authority of an institution to administer a capital facilities project under this section, including the failure of an institution to maintain a sufficient number of employees who have successfully completed the certification program under section 123.17 of the Revised Code;

(2) A process for institutions to remedy any problems found by an audit conducted pursuant to division (C) of this section, including the improper use of state funds or violations of Chapter 9., 123., or 153. of the Revised Code.

(E) If the board of regents revokes an institution's authority to administer a capital facilities project, the department of administrative services shall administer the capital facilities project. The board of regents also may require an institution, for which the board revoked authority to administer a capital facilities project, to acquire a new local administration competency certification pursuant to section 123.17 of the Revised Code.

3345.53 Military leave of absence.

As used in this section, "active duty" means full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and active state duty for members of the national guard.

(A) Each state institution of higher education, as defined in section 3345.01.1 of the Revised Code, shall grant a student a military leave of absence from the institution while the student is serving on active duty, and for one year after the conclusion of that service, if the student is a member of the United States national guard or other reserve component of the armed forces of the United States, or a member of those armed forces in a retired status, and is called to active duty. The student shall not suffer an academic penalty as a result of the leave of absence.

(B) If requested by a student granted a military leave of absence pursuant to division (A) of this section not later than one year after the student's release from active duty, the state

institution of higher education in which the student is enrolled shall do either of the following, as elected by the student:

(1) Credit tuition and fee charges toward a subsequent academic term in an amount that is one hundred per cent of what the student paid the institution for the academic term in which the student withdraws;

(2) Refund tuition and fees paid for the academic term, provided the student withdraws before the withdraw date established by the institution. The refund shall equal one hundred per cent of the tuition and fee charges the student paid the institution for the academic term. If the student withdraws after the withdraw date established by the institution, the student is ineligible for a refund of tuition and fee charges. For the purposes of this section, the "withdraw date" shall be the same as the date set by the institution for its general student population to withdraw from the institution or a course or class without academic penalty.

(C) If requested by a student granted a military leave of absence pursuant to division (A) of this section not later than one year after the student's release from active duty, the state institution of higher education shall restore the student to the educational status the student had attained prior to being called to active duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of active duty, except as provided in division (B) of this section.

(D) If a state institution of higher education fails to comply with this section, the student may bring an action against the institution to enforce its provisions in the court of claims. The court may award reasonable attorney's fees and expenses if the student prevails in the action.

3345.61 Definitions.

As used in this section and sections 3345.62 to 3345.66 of the Revised Code:

(A) "Board of trustees of a state institution of higher education" means the board of trustees of a state institution of higher education as defined in section 3345.01.1 of the Revised Code.

(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes:

(1) Installation or modification of insulation in the building structure and systems within the building;

(2) Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs;

(3) Installation or modification of automatic energy control systems;

(4) Replacement or modification of heating, ventilating, or air conditioning systems;

(5) Application of caulking and weatherstripping;

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Installation or modification of energy recovery systems;

(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the board of trustees of a state institution of higher education as an energy conservation measure for one or more buildings owned by the institution.

(C) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.

3345.62 Contract for report on energy conservation recommendations.

The board of trustees of a state institution of higher education may contract with an energy services company, architect, professional engineer, contractor, or other person experienced in the design and implementation of energy conservation measures for a report containing an analysis and recommendations pertaining to the implementation of energy conservation measures that would significantly reduce energy consumption and operating costs in buildings owned by the institution. The report shall include estimates of all costs of such installations, including the costs of design, engineering, installation, maintenance, repairs, and

debt service, and estimates of the amounts by which energy consumption and operating costs would be reduced.

3345.63 Implementation contracts other than installment payment contracts.

If the board of trustees of a state institution of higher education wishes to enter into a contract, other than an installment payment contract provided under section 3345.64 of the Revised Code, to implement one or more energy saving measures, the board may proceed under the applicable competitive bidding requirements in Chapter 153. or section 3354.16, 3335.12, 3357.16, or 3358.10 of the Revised Code or, notwithstanding those requirements, may enter into such a contract as provided in section 3345.65 of the Revised Code.

3345.64 Installment payment contracts.

In accordance with this section, the board of trustees of a state institution of higher education may enter into an installment payment contract for the implementation of one or more energy saving measures. Any such contract shall be subject to the competitive bidding requirements of Chapter 153. or section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, as applicable to each such board, except as follows:

(A) If the board does not exempt the entire installment payment contract from the applicable competitive bidding requirements pursuant to division (B) of this section, the provisions of the contract dealing with interest charges and financing terms shall not be subject to the applicable competitive bidding requirements. Each such contract shall require repayment on the following terms:

(1) Not less than one-tenth of the costs of the contract shall be paid within two years from the date of purchase;

(2) (a) The remaining balance of the costs of the contract, in the case of an installment payment contract for a cogeneration system described in division (B)(8) of section 3345.61 of the Revised Code, shall be paid within five years from the date of purchase;

(b) The remaining balance of the costs of the contract, in the case of an installment payment contract for an energy saving measure that is not a cogeneration system, shall be paid within ten years from the date of purchase.

(B) The board by majority vote may exempt from the applicable competitive bidding requirements an entire installment payment contract for the implementation of energy saving measures pursuant to this section and instead of those requirements shall enter into the contract as provided in section 3345.65 of the Revised Code.

3345.65 Request for proposals; conditions for awarding contract.

To enter into a contract under this section pursuant to section 3345.63 or division (B) of section 3345.64 of the Revised Code, a board of trustees of a state institution of higher education shall request proposals from at least three parties for the implementation of energy saving measures. Prior to providing any interested party a copy of any such request, the board shall advertise, in a newspaper of general circulation in the county where the contract is to be performed, its intent to request proposals for the implementation of energy saving measures. The notice shall invite interested parties to submit proposals for consideration and shall be published at least thirty days prior to the date for accepting proposals.

Upon receiving the proposals, the board shall analyze them. After considering the cost estimates of each proposal, how qualified each party submitting a proposal is to implement its proposal, and the institution's ability to pay for each with current revenues or by financing the cost

of each, the board may select one or more proposals or, instead, reject all proposals. In selecting proposals, the board shall select the proposal or proposals most likely to result in the greatest savings when the cost of the proposal is compared to the reduced energy and operating costs that will result from implementing the proposal.

No board shall award a contract to implement energy saving measures under this section unless the board finds that one or both of the following circumstances exists, as applicable:

(A) In the case of a contract for a cogeneration system described in division (B)(8) of section 3345.61 of the Revised Code, the cost of the contract is not likely to exceed the amount of money the board would save in energy and operating costs over no more than five years;

(B) In the case of any contract for any energy saving measure other than a cogeneration system, the cost of the contract is not likely to exceed the amount of money the board would save in energy and operating costs over no more than ten years.

3345.66 Issuance of notes.

The board of trustees of a state institution of higher education may issue notes of the institution signed by the chairman and treasurer or other chief fiscal officer of the board and specifying the terms of the purchase and securing the payments provided in section 3345.64 of the Revised Code, payable at the times provided and bearing interest at a rate not exceeding a rate determined under section 9.95 of the Revised Code. The notes may contain an option for prepayment and are not subject to Chapter 133. of the Revised Code. Revenues derived from any source, other than money appropriated by the general assembly, that may be used for the purpose of conserving energy or for defraying the current operating expenses of the institution may be pledged to the payment of interest and the retirement of such notes. The notes may be sold at private sale or given to the contractor under the installment payment contract authorized by section 3345.64 of the Revised Code.

3345.69 Committee to develop guidelines for energy efficiency.

(A) As used in this section:

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(2) "Board of trustees of a state institution of higher education" has the same meaning as in section 3345.61 of the Revised Code.

(B) The chairperson of the interuniversity council of Ohio and the secretary of the Ohio association of community colleges shall assist in coordinating the organization and operation of a committee to carry out this section. The committee shall be comprised of the presidents of the state institutions of higher education or their designees. The committee, in consultation with the office of energy services of the department of administrative services, shall develop guidelines for the board of trustees of each state institution of higher education to use in ensuring energy efficiency and conservation in on- and off-campus buildings. Initial guidelines shall be adopted not later than ninety days after the effective date of this section. At a minimum, guidelines under this section shall do all of the following:

(1) Include a goal to reduce on- and off-campus building energy consumption by at least twenty per cent by 2014, using calendar year 2004 as the benchmark year, while recognizing the diverse nature and different energy demands and uses of such buildings and measures already taken to increase building energy efficiency and conservation;

(2) Prescribe minimum energy efficiency and conservation standards for any new, on- or off-campus capital improvement project with a construction cost of one hundred thousand dollars or more, which standards shall be based on general building type and cost-effectiveness;

(3) Prescribe minimum energy efficiency and conservation standards for the leasing of an off-campus space of at least twenty-thousand square feet;

(4) Incorporate best practices into energy efficiency and conservation standards and plans;

(5) Provide that each board develop its own fifteen-year plan for phasing in energy efficiency and conservation projects;

(6) Provide that project impact assessments include the fiscal effects of energy efficiency and conservation recommendations and plans;

(7) Establish mechanisms for each board to report periodically to the committee on its progress relative to the guidelines.

(C) The board of trustees of a state institution of higher education shall adopt rules under section 111.15 of the Revised Code to carry out the guidelines established pursuant to division (B) of this section, including in the execution of the board's authority under sections 3345.62 to 3345.66 of the Revised Code.

3345.70 Duties and restrictions where trustees declare fiscal exigency.

(A) Whenever the board of trustees of a state university, as defined under section 3345.01.1 of the Revised Code, declares that the university is in a state of fiscal exigency, the board shall do all of the following until it declares that the university is no longer in such a state:

(1) File quarterly reports on an annualized budget, comparing the budget to actual spending with projected expenses for the remainder of the year. Such reports shall include narrative explanations as appropriate.

(2) Place all residence hall and meal fees in a rotary account dedicated to the upkeep and maintenance of the dormitory buildings and to fund meal programs;

(3) Place moneys for the operation of residence hall and meal programs in separately maintained auxiliary funds in the university accounting system;

(4) File the minutes from their board of trustees meetings with the board of regents within thirty days of their meetings.

(B) No state university described under division (A) of this section shall do any of the following:

(1) Use state funds for the purpose of providing grants or scholarships to out-of-state students;

(2) Use state funds to subsidize off-campus housing or subsidize transportation to and from off-campus housing.

(C) The requirements of divisions (A)(2) and (3) of this section are subject to the provisions of any applicable bond proceedings as defined under division (A)(9) of section 3345.12 of the Revised Code and to any applicable pledge made as authorized by division (R) of section 3345.12 of the Revised Code.

3345.71 Fiscal watch definitions.

As used in sections 3345.72 to 3345.77 of the Revised Code:

(A) "State university or college" means any state university listed in section 3345.011 of the Revised Code, the northeastern Ohio universities college of medicine, any community college under Chapter 3354. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

(B) "Fiscal watch" means the existence of a fiscal watch declared under section 3345.72 of the Revised Code.

3345.73 Financial indicators and standards for use.

The office of budget and management shall work with the auditor of state, the Ohio board of regents, and two representatives of state universities and colleges appointed by the chancellor of the board of regents to develop rules under this section, and shall adopt the rules in accordance with section 111.15 of the Revised Code. One of the chancellor's appointments shall represent a four-year institution and one a two-year institution. The rules shall establish the following:

(A) The financial indicators and the standards for using those indicators that the board of regents is to employ to determine whether a university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant appointing a conservator under section 3345.74 of the Revised Code;

(B) The financial indicators and the standards for using those indicators that a governance authority established for a state university or college under section 3345.75 of the Revised Code is to employ to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with section 3345.76 of the Revised Code.

The indicators and standards adopted under this section shall be designed so as to take into account at least the revenues, expenditures, assets, liabilities, and fund balances of a state university or college, and shall be designed so as to indicate the financial performance and position of a state university or college.

3345.74 Determination that appointment of conservator is warranted.

(A) The Ohio board of regents at least annually shall apply the indicators and standards adopted under division (A) of section 3345.73 of the Revised Code to determine whether a state university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant the appointment of a conservator under this section. Upon making a determination that appointment of a conservator is warranted, the board of regents shall request from the office of budget and management, which shall provide, certification that sufficient fiscal difficulties exist to warrant appointment of a conservator. The board of regents shall then certify this determination to the governor.

Notwithstanding section 3333.02.1 of the Revised Code, that section does not apply to certification by the board of regents under this section or to the declaration of a fiscal watch under section 3345.72 of the Revised Code.

A determination by the board of regents under this division that sufficient fiscal difficulties exist or do not exist to warrant appointing a conservator is final and conclusive and not appealable.

(B) The governor may appoint a conservator for any state university or college under a fiscal watch, upon certification by the Ohio board of regents under division (A) of this section that the appointment is warranted. The governor shall consult with the speaker and* minority leader of the house of representatives and the president and minority leader of the senate before making the appointment. From the time a conservator is appointed until the time the governor issues an

order terminating the governance authority under division (B) of section 3345.76 of the Revised Code, the governor may remove any member of the board of trustees of the state university or college from office and not fill the vacancy.

(C) Upon appointment of a conservator under this section for a state university or college, all of the following shall occur effective immediately:

(1) All duties, responsibilities, and powers of the board of trustees of the university or college are suspended;

(2) The management and control of the state university or college is assumed by the conservator;

(3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the conservator. No action or proceeding pending on the effective date of the assumption by the conservator of the board's authority is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the conservator.

(5) The conservator assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college;

(6) All authority and duties of the president or chief executive officer, and the pay of the president or chief executive officer, are suspended.

(D) The conservator for a state university or college shall conduct a preliminary performance evaluation of the president or chief executive officer of the university or college and provide a copy of findings and any recommendations to the governance authority established for the university or college under section 3345.75 of the Revised Code.

(E) A conservator appointed under this section shall be immune, indemnified, and held harmless from civil liability, including any cause of action, legal, equitable, or otherwise, for any action taken or duties performed by the conservator in good faith and in furtherance of the performance of the duties of the conservator under this section.

(F) The Governor shall set the compensation for a conservator appointed for a state university or college. The expenses and compensation of the conservator and others employed by the conservator shall be paid out of the operating funds and revenues of that university or college.

3345.75 Appointment of governance authority; executive director.

(A) Not later than thirty days after the date of the appointment of a conservator for a state university or college under section 3345.74 of the Revised Code, the governor shall appoint, with the advice and consent of the senate, a governance authority for the university or college consisting of five members. The members shall serve at the pleasure of the governor and any vacancies shall be filled in the same manner as an original appointment.

The governor shall designate one of the members of the governance authority as the chairperson and shall call the first meeting of the authority. A majority of the members of a

governance authority constitutes a quorum and the affirmative vote of a majority of the members shall be necessary for any action taken by an authority. Meetings of a governance authority shall be called in the manner and at the times prescribed by the authority, but the authority shall meet at least four times annually and at other times necessary for the best interest of the university or college. A governance authority may adopt procedures for the conduct of its business.

The members of a governance authority shall not receive compensation for their services, but shall be paid their reasonable and necessary expenses while engaged in the discharge of their official duties.

(B)(1) A governance authority established under this section shall appoint an executive director who shall serve at the pleasure of the authority and with the compensation and other terms and conditions established by it. With the approval of the chairperson of the authority, the executive director may appoint additional personnel as the director considers appropriate. The executive director shall oversee the day-to-day operation of the university or college under the direction and supervision of the authority.

(2) The governance authority shall conduct a final performance evaluation of the president or chief executive officer of the university or college. Following the evaluation, the governance authority may reinstate any duties, authority, or pay previously suspended under division (C)(6) of section 3345.74 of the Revised Code, or may terminate the president or chief executive officer in accordance with the terms of the person's employment contract.

(C) Upon appointment of all members of a governance authority under this section and upon the effective date for the commencement of the duties of the executive director appointed by that authority under this section, all authority, responsibilities, duties, and references assumed by or conferred upon the conservator under divisions (C)(2) to (6) of section 3345.74 of the Revised Code terminate and all of the following shall occur, effective immediately:

(1) The management and control of the state university or college is assumed by the governance authority;

(2) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees or to the conservator are assigned to the governance authority and the governance authority becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees and the conservator for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(3) Wherever the board of trustees or conservator is referred to in any contract or legal document, the reference is deemed to refer to the governance authority. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the authority of the board of trustees and the conservator by the governance authority under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the governance authority. No action or proceeding pending on the effective date of the assumption by the governance authority of the authority of the board of trustees and the conservator is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the governance authority.

(4) The governance authority assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college.

(D) A governance authority and executive director appointed under this section shall be immune, indemnified, and held harmless from civil liability, including any cause of action, legal, equitable, or otherwise, for any action taken or duties performed by the governance authority and executive director in good faith and in furtherance of the performance of the duties of the governance authority and executive director under this section.

(E) The expenses of a governance authority and the expenses and compensation of an executive director appointed for a state university or college under this section and others employed by the executive director under this section shall be paid out of the operating funds and revenues of that university or college.

(F) A governance authority appointed under this section shall prepare, in accordance with rules adopted by the office of budget and management, and submit to the board of regents, the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate a quarterly report setting forth all of the following:

- (1) The general condition of the university or college;
- (2) The amounts of receipts and disbursements and the items for which the disbursements were made;
- (3) The numbers of professors, officers, teachers, and other employees and the position and compensation of each and the numbers of students by courses of instruction;
- (4) An estimate of expenses for the ensuing quarter;
- (5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments;
- (6) Any other matters the governance authority considers useful to report.

(G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution.

3345.76 Termination of governance authority.

(A) A governance authority appointed for a state university or college under section 3345.75 of the Revised Code at least annually shall apply the indicators and standards adopted under division (B) of section 3345.73 of the Revised Code to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with this section. Upon making a determination that termination of the governance authority is warranted, the governance authority shall certify this determination to the governor.

A determination by a governance authority under this division that sufficient fiscal stability exists or does not exist to warrant terminating that governance authority is final and conclusive and not appealable.

(B) The governor may issue an order, effective as provided under division (D) of this section, terminating the governance authority appointed under 3345.75 of the Revised Code, upon the occurrence of either of the following:

- (1) Certification by the governance authority for that state university or college the termination of that governance authority is warranted;
- (2) A finding that in the governor's opinion termination of the governance authority is

in the best interests of the state, that state university or college, and the students of that state university or college.

(C) Upon issuance of an order under division (B) of this section, the governor shall fill each vacancy on the board of trustees of the university or college for the unexpired portion of the member's term or, if the term for the member has already expired, for the unexpired portion of the succeeding term.

(D) Thirty days after the date on which the Ohio board of regents determines that all vacancies on the board of trustees have been filled, all authority, responsibilities, duties, and references assumed by or conferred upon the governance authority of that university or college under division (C) of section 3345.75 of the Revised Code terminate and all of the following shall occur:

(1) The management and control of the state university or college by the board of trustees shall be resumed;

(2) The board becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the conservator and the governance authority for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(3) Wherever the conservator or the governance authority is referred to in any contract or legal document, the reference is deemed to refer to the board of trustees. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the resumption by the board of trustees of the authority of the conservator and the governance authority, and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the board of trustees. No action or proceeding pending on the effective date of the resumption by the board of trustees of the authority of the conservator and the governance authority is affected by that resumption, and any such action or proceeding shall be prosecuted or defended in the name of the board of trustees.

(4) The board of trustees resumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college;

(5) Employment of the executive director appointed for the university or college under section 3345.75 of the Revised Code is terminated;

(6) The duties, authority, and pay of the president or chief executive officer of the university or college suspended under division (C)(6) of section 3345.74 and not reinstated under division (B)(2) of section 3345.75 of the Revised Code are reinstated to the person holding that position, unless otherwise provided for by the board of trustees.

3345.77 Employment contracts with president or chief executive officer.

Notwithstanding any section of the Revised Code, a contract of employment entered into on or after the effective date of this section between the board of trustees of a state university or college and the president or chief executive officer of that university or college shall provide for the performance evaluation, the suspension of the authority, duties, and pay, and the termination of the employment contract of the president or chief executive officer as provided under divisions (C) and (D) of section 3345.74 and division (B)(2) of section 3345.75 of the Revised Code.

3345.78 Duties of employees and officers of institution.

No current or former employee or current or former officer of a state university or college shall knowingly conceal any information from, withhold any information requested by, falsify any information to, or impede the work of any of the following:

(A) A conservator, governance authority, or executive director appointed for the institution under section 3345.74 or 3345.75 of the Revised Code;

(B) Any personnel appointed by the conservator or executive director under division (F) of section 3345.74 or division (B)(1) of section 3345.75 of the Revised Code.

3345.85 Disclosure of meningococcal meningitis and hepatitis B vaccination status of students living in on-campus housing.

(A) As used in this section:

(1) "On-campus student housing" means a dormitory or other student residence that is owned or operated by, or located on the campus of a state institution of higher education.

(2) "Parent" means either parent, except that if one parent has sole custody, "parent" means the parent with custody. "Parent" also includes a guardian or, in the absence of a parent or guardian, another person who has accepted responsibility for the care of the student.

(B) Beginning with the academic year that commences on or after July 1, 2005, a state institution of higher education shall not permit a student to reside in on-campus student housing unless the student, or, if the student is younger than eighteen years of age, the student's parent, discloses to the institution whether the student has been vaccinated against meningococcal meningitis and hepatitis B by submitting to the institution the meningitis and hepatitis B vaccination status statement described in division (B) of section 3701.13.3 of the Revised Code or a meningitis status statement form provided by the institution that meets the requirements of division (B) of section 3701.13.3 of the Revised Code. The statement may be submitted in written form or, if the institution has a secure web site, in electronic form.

(C) On receipt of an application for residence in on-campus student housing, a state institution of higher education shall do both of the following:

(1) Inform the student of the disclosure requirement;

(2) Provide the student in either written or, if the institution has a secure web site, electronic form the meningitis and hepatitis B vaccination status statement described in division (B) of section 3701.13.3 of the Revised Code or a meningitis status statement form provided by the institution that meets the requirements of division (B) of section 3701.13.3 of the Revised Code.

(D) This section does not require an institution to provide or pay for a meningococcal meningitis or hepatitis B vaccination for any student.

3345.99 Penalties.

(A) Whoever violates section 3345.13 of the Revised Code shall be fined not less than fifty nor more than one hundred fifty dollars.

(B) Whoever violates division (A) or (B) of section 3345.34 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 3345.78 of the Revised Code is guilty of a felony of the fourth degree.

Chapter 3347

University Housing Commissions

3347.01 Composition.

There is hereby created:

(A) The Ohio state university housing commission, which shall consist of the chairman of the board of trustees, the president, and the business manager of Ohio state university;

[Items (B) through (L) provide identical authority to Miami university, Central state university, Kent state university, Bowling Green state university, Ohio university, Cleveland state university, university of Toledo, Wright state university, university of Akron, Youngstown state university, and university of Cincinnati.]

3347.02 Compensation of members; organization of commission.

The members of each of the commissions created by section 3347.01 of the Revised Code shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties. Each commission shall organize by electing a chairman and a vice-chairman from its membership and may employ such professional, technical, and clerical assistants as are necessary, and define their duties and fix their compensation, to carry out the objects and purposes of sections 3347.01 to 3347.08, inclusive, of the Revised Code. The majority of each commission must concur in any action taken by the commission, which shall establish rules and keep a journal of its proceedings.

3347.03 Acquisition or use of property for housing purposes.

Each commission created by section 3347.01 of the Revised Code may acquire property of any kind by purchase, gift, or devise and hold and use any such property, or may use state lands at their respective universities upon consent of the respective boards of trustees thereof, for the erection, remodeling, or improving and equipping of buildings for suitable housing, dormitory, dining hall, and recreational accommodations, referred to as "buildings" in sections 3347.03 to 3347.08 of the Revised Code, for students, instructors, members of the faculty, the administration and maintenance staff of the universities with which each commission is identified, and their families. The construction, remodeling, or improving of any such buildings shall be in accordance with plans and specifications approved by the commission and with sections 153.01 and 153.04 to 153.20 of the Revised Code, except that the commission may act in all instances where the department of administrative services is mentioned in such sections.

3347.04 Issuance of bonds or notes.

For the purpose of obtaining funds for the acquisition of lands or the erection, remodeling, and equipping of buildings as defined in section 3347.03 of the Revised Code, or for any of such purposes, and for the purpose of paying legal, architectural, engineering, administrative, and clerical expenses incident thereto, each housing commission may provide by resolution for the issuance of bonds, notes, or other written instruments evidencing indebtedness, in such amount and in such denominations as such commission determines. Such bonds, notes, or other written instruments shall bear interest payable semiannually, and shall mature at such time not more than thirty years from their date as is determined by such commission, and may be made redeemable before maturity at the option of the issuing commission, to be exercised by it at such price and under such terms as it determines prior to the issuance of said bonds. The principal and interest of such bonds, notes, or other written instruments may be made payable in any lawful medium. The issuing commission shall determine the form of the bonds, notes, or other written instruments, including the interest coupons to be attached thereto, and the place of payment of

principal and interest thereof, which may be at any bank or trust company within or without the state. Bonds, notes, or other written instruments issued by any such commission shall be signed by the chairman of that commission and attested by the secretary of that commission, provided that one of such signatures may be a facsimile signature, and the coupons attached thereto shall bear the facsimile signature of said chairman of the issuing commission and in case any such officer whose signature appears thereon ceases to be such officer before delivery thereof, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

All bonds, notes, or other written instruments issued under sections 3347.01 to 3347.08, inclusive, of the Revised Code shall contain a statement on their face that the state shall not be obligated to pay the same or the interest thereon and that such bonds, notes, or other written instruments and interest are payable only from the revenue accruing to the issuing commission.

3347.05 Instruments are negotiable, tax exempt and lawful investments; issuance and sale.

All bonds, notes, or other written instruments provided for in section 3347.04 of the Revised Code shall have all of the qualities and incidents of negotiable instruments and the bonds, notes, or other written instruments are exempt from all taxation, state and municipal. The bonds, notes, or other written instruments are lawful investments of banks, savings banks, trust companies, trustees, trustees of sinking funds of municipal corporations and counties, and domestic insurance companies notwithstanding sections 3907.14 and 3925.08 of the Revised Code, and are acceptable as security for the deposit of public moneys.

Such bonds, notes, and other written instruments may be issued in coupon or in registered form or both, as the issuing commission may determine. Provisions may be made for the registration of any of the bonds, notes, or other written instruments in the name of the owner as to principal alone and as to both principal and interest, and for exchange between those in coupon form and those in fully registered form. The issuing housing commission may sell the bonds, notes, or other written instruments in a manner and for the price it determines to be for its best interest, but they shall be sold for not less than par, with accrued interest to date of sale.

3347.06 Buildings rented by commission; terms of rental.

Upon completion of any buildings as defined in section 3347.03 of the Revised Code, such building shall be rented by the housing commission to students, instructors, faculty members, and administration and maintenance staff of the university with which the commission is identified, or any of such groups, for the residence of themselves and their families, upon such terms of rental as is determined by the commission.

3347.07 Rentals to be placed in separate sinking fund; use of money in fund.

The rentals received from a building as defined in section 3347.03 of the Revised Code, after paying the costs of operation, administration, maintenance, and repair and necessary fiscal agency charges applicable to each such property, shall be placed in a separate sinking fund which is hereby pledged to and charged with the payment of interest and principal of the bonds, notes, or other written instruments issued in respect of such building. Prior to the issuance of any such bonds, notes, or other written instruments, the housing commission may provide by resolution for using the sinking fund for such issue, or any part thereof, for the purchase of the outstanding bonds, notes, or other written instruments of such issue, at the market price thereof, and all bonds, notes, or other written instruments so purchased shall forthwith be canceled and shall not again be issued. The money in each such sinking fund, less such reserve as may be provided for principal and interest prior to the issuance of such bonds, notes, or other written instruments, if not used within a reasonable time for the purchase of such bonds, notes, or other written instruments, shall be applied to the redemption, in accordance with the provisions thereof, of the bonds, notes, or other written instruments for the payment of which the particular sinking

fund is pledged. The moneys in each such sinking fund shall be placed in the hands of the treasurer of state as custodian, and shall be disbursed upon order of the commission upon vouchers signed by the chairman thereof.

3347.07.1 Bonds or notes secured by a trust agreement.

In the event that bonds, notes, or other evidences of indebtedness issued pursuant to section 3347.04 of the Revised Code are secured by a trust agreement between the issuing commission and a corporate trustee, as determined by the commission in its resolution authorizing their issuance, the revenues received by the issuing commission from the buildings referred to in section 3347.03 of the Revised Code, shall be pledged, deposited, held, invested, disbursed, used, and applied to such extent, in such manner, at such times, and for such purposes as are provided in such trust agreement or resolution, notwithstanding any provisions of section 3347.07 of the Revised Code. Such trust agreement or resolution may contain such terms and provisions as the issuing commission determines, and may provide for the pledge or assignment of all or such part of the revenue of any such buildings designated therein, as the commission determines, to the payment of the principal of and interest on such bonds, notes, and other written instruments and expenditures related thereto, after provision for the reasonable costs of operating, maintaining, and repairing the buildings so designated, but such trust agreement or resolution shall not mortgage or convey any such building or part thereof and shall neither obligate the state to make any such payments or deposits nor obligate the commission to make them from other than such revenues.

3347.08 Conveyance of buildings and lands to the state.

When sufficient funds have been received from the revenues from buildings provided in section 3347.07 of the Revised Code to pay bonds, notes, or other written instruments issued with respect to such buildings and accrued interest, the said buildings and the lands whereon the same are situated, shall be conveyed to the state by the housing commission owning and operating the same for the use and benefit of the university with which such commission is identified and such commission may execute and deliver all necessary deeds therefor.

3347.09 Leases; state not obligated.

Each commission created by section 3347.01 of the Revised Code may lease or sublease real property and buildings for suitable housing, dormitory, dining hall, and recreational accommodations for students, members of the faculty, the administration and maintenance staff, and their spouses and children, of the university with which each commission is identified, on such terms as the commission determines, provided, that each such lease or sublease shall provide that the state is not obligated to pay any of the rentals or perform any of the obligations thereunder and that such rentals and obligations are to be paid or performed only from the revenue accruing to the commission executing the lease or sublease.

3347.10 Grant or transfer of right to use land for highway purposes.

Each commission created by section 3347.01 of the Revised Code may, upon such consideration, terms, and conditions as are approved by it, grant to any municipal corporation or county, or transfer to the director of transportation, the right to use in perpetuity or for such period of time as such commission shall specify, any lands owned by it or under its supervision or control for any street, road, or highway purpose, which may include or be limited to areas or space on, above, or below the surface. Such grant or transfer may be subject to a reserved right of such commission, its successors and assigns, including the board of trustees of the university with which it is identified, to use and improve, and permit the use and improvement of, such lands for buildings, structures, and other uses and purposes as shall not interfere with the use granted for street, road, or highway purposes. Such grant shall be authorized by resolution of such

commission and shall be executed in the same form and manner as is provided for deeds by section 5301.13 of the Revised Code and shall be recorded in the records of deeds of the county or counties in which such lands are situated.

Chapter 9

Miscellaneous

9.90 Purchase or procurement of insurance for educational employees.

(A) The governing board of any public institution of higher education, including without limitation state universities and colleges, community college districts, university branch districts, technical college districts, and municipal universities, may, in addition to all other powers provided in the Revised Code:

(1) Contract for, purchase, or otherwise procure from an insurer or insurers licensed to do business by the state of Ohio for or on behalf of such of its employees as it may determine, life insurance, or sickness, accident, annuity, endowment, health, medical, hospital, dental, or surgical coverage and benefits, or any combination thereof, by means of insurance plans or other types of coverage, family, group or otherwise, and may pay from funds under its control and available for such purpose all or any portion of the cost, premium, or charge for such insurance, coverage, or benefits. However, the governing board, in addition to or as an alternative to the authority otherwise granted by division (A)(1) of this section, may elect to procure coverage for health care services, for or on behalf of such of its employees as it may determine, by means of policies, contracts, certificates, or agreements issued by at least two health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code and may pay from funds under the governing board's control and available for such purpose all or any portion of the cost of such coverage.

(2) Make payments to a custodial account for investment in regulated investment company stock for the purpose of providing retirement benefits as described in section 403(b)(7) of the Internal Revenue Code of 1954, as amended. Such stock shall be purchased only from persons authorized to sell such stock in this state.

Any income of an employee deferred under divisions (A)(1) and (2) of this section in a deferred compensation program eligible for favorable tax treatment under the Internal Revenue Code of 1954, as amended, shall continue to be included as regular compensation for the purpose of computing the contributions to and benefits from the retirement system of such employee. Any sum so deferred shall not be included in the computation of any federal and state income taxes withheld on behalf of any such employee.

(B) All or any portion of the cost, premium, or charge therefor may be paid in such other manner or combination of manners as the governing board may determine, including direct payment by the employee in cases under division (A)(1) of this section, and, if authorized in writing by the employee in cases under division (A)(1) or (2) of this section, by such governing board with moneys made available by deduction from or reduction in salary or wages or by the foregoing of a salary or wage increase. Nothing in section 3917.01 or section 3917.06 of the Revised Code shall prohibit the issuance or purchase of group life insurance authorized by this section by reason of payment of premiums therefor by the governing board from its funds, and such group life insurance may be so issued and purchased if otherwise consistent with the provisions of sections 3917.01 to 3917.07 of the Revised Code.

(C) The board of education of any school district may exercise any of the powers granted to the governing boards of public institutions of higher education under divisions (A) and (B) of this section, except in relation to the provision of health care benefits to employees. All health care benefits provided to persons employed by the public schools of this state shall be medical plans designed by the school employees health care board pursuant to section 9.901 of the Revised Code.

Chapter 111

Secretary of State

111.15 Adoption and filing of agency administrative code rules.

(A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.07.14 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119., section 4141.14, division (C)(1) or (2) of section 5117.02, or section 5703.14 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(4) "Substantive revision" has the same meaning as in division (J) of section 119.01 of the Revised Code.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If no review date is assigned to a rule, or if a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 119.03.2 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If all filings are not completed on the same day, the rule shall be effective on the tenth day after the day on which the latest filing is completed. If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or (8) * of this section.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.76 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. The emergency rule is effective immediately upon completion of the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B)(2) of this section, the emergency rule if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency.

An emergency rule becomes invalid at the end of the ninetieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect without interruption for another ninety-day period.

(3) An agency shall file a rule under division (B)(1) or (2) of this section in compliance with the following standards and procedures:

(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.

(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the director's designee gives an agency notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with the rules of the legislative service commission, the agency shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under division (I) of section 119.03

of the Revised Code. If a state board, commission, department, division, or bureau makes a substantive revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. The latest version of a proposed rule as filed with the joint committee supersedes each earlier version of the text of the same proposed rule. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division.

As used in this division, "commission" includes the public utilities commission when adopting rules under a federal or state statute.

This division does not apply to any of the following:

- (1) A proposed rule of an emergency nature;
- (2) A rule proposed under section 1121.05, 1121.06, 1155.18, 1349.33, 1707.20.1, 1733.41.2, 4123.29, 4123.34, 4123.34.1, 4123.34.2, 4123.40, 4123.41.1, 4123.44, or 4123.44.2 of the Revised Code;
- (3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;
- (4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;
- (5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:
 - (a) A statement that it is proposed for the purpose of complying with a federal law or rule;
 - (b) A citation to the federal law or rule that requires verbatim compliance.
- (6) An initial rule proposed by the director of health to impose safety standards, quality-of-care standards, and quality-of-care data reporting requirements with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;
- (7) A rule of the state lottery commission pertaining to instant game rules.

If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.

(E) Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule or proposed rule in revised form that

is filed with the secretary of state or the director of the legislative service commission.

(F) Except as otherwise provided in this division, the auditor of state or the auditor of state's designee is not required to file a rule summary and fiscal analysis along with a proposed rule, or proposed rule in revised form, that the auditor of state proposes under section 117.12, 117.19, 117.38, or 117.43 of the Revised Code and files under division (D) or (E) of this section. If, however, the auditor of state or the designee prepares a rule summary and fiscal analysis of the original version of such a proposed rule for purposes of complying with section 121.24 of the Revised Code, the auditor of state or designee shall file the rule summary and fiscal analysis in electronic form along with the original version of the proposed rule filed under division (D) or (E) of this section.

Chapter 119

Administrative Procedure

119.03 Procedure for adoption, amendment, or rescission of rules.

In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given in the register of Ohio at least thirty days prior to the date set for a hearing, in the form the agency determines. The agency shall file copies of the public notice under division (B) of this section. (The agency gives public notice in the register of Ohio when the public notice is published in the register under that division.)

The public notice shall include:

(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;

(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;

(4) The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.

In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.

The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) The full text of the proposed rule, amendment, or rule to be rescinded, accompanied by the public notice required under division (A) of this section, shall be filed in electronic form with the secretary of state and with the director of the legislative service commission. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has prepared a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the secretary of state and with the director for all of the proposed rules, amendments, or rescissions to which the notice applies.) The proposed rule, amendment, or rescission and public notice shall be filed as required by this division at least sixty-five days prior to the date on which the agency, in accordance with division (D) of this section, issues an order adopting the proposed rule, amendment, or rescission.

If the proposed rule, amendment, or rescission incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.76 of the Revised Code.

The proposed rule, amendment, or rescission shall be available for at least thirty days prior to the date of the hearing at the office of the agency in printed or other legible form without charge to any person affected by the proposal. Failure to furnish such text to any person requesting it shall not invalidate any action of the agency in connection therewith.

If the agency files a substantive revision in the text of the proposed rule, amendment, or rescission under division (H) of this section, it shall also promptly file the full text of the proposed rule, amendment, or rescission in its revised form in electronic form with the secretary of state and with the director of the legislative service commission.

The agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, amendment, or rescission or proposed rule, amendment, or rescission in revised form that is filed with the secretary of state or the director of the legislative service commission.

The director of the legislative service commission shall publish in the register of Ohio the full text of the original and each revised version of a proposed rule, amendment, or rescission; the full text of a public notice; and the full text of a rule summary and fiscal analysis that is filed with the director under this division.

(C) On the date and at the time and place designated in the notice, the agency shall conduct a public hearing at which any person affected by the proposed action of the agency may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful. An agency may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both before and after the hearing. A person who presents a position or arguments or contentions in writing before or after the hearing is not required to appear at the hearing.

At the hearing, the testimony shall be recorded. Such record shall be made at the expense of the agency. The agency is required to transcribe a record that is not sight readable only if a person requests transcription of all or part of the record and agrees to reimburse the agency for the costs of the transcription. An agency may require the person to pay in advance all or part of the cost of the transcription.

In any hearing under this section the agency may administer oaths or affirmations.

(D) After complying with divisions (A), (B), (C), and (H) of this section, and when the time for legislative review and invalidation under division (I) of this section has expired, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

(E) Prior to the effective date of a rule, amendment, or rescission, the agency shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted or as amended.

(F) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission of a specified rule is suspended. The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date the rule, amendment, or rescission, in final form and in compliance with division (A)(2) of section 119.04 of the Revised Code, are * filed in electronic form with the secretary of state, the director of the legislative service

commission, and the joint committee on agency rule review. If all filings are not completed on the same day, the emergency rule, amendment, or rescission shall be effective on the day on which the latest filing is completed. The director shall publish the full text of the emergency rule, amendment, or rescission in the register of Ohio.

The emergency rule, amendment, or rescission shall become invalid at the end of the ninetieth day it is in effect. Prior to that date the agency may adopt the emergency rule, amendment, or rescission as a nonemergency rule, amendment, or rescission by complying with the procedure prescribed by this section for the adoption, amendment, and rescission of nonemergency rules. The agency shall not use the procedure of this division to readopt the emergency rule, amendment, or rescission so that, upon the emergency rule, amendment, or rescission becoming invalid under this division, the emergency rule, amendment, or rescission will continue in effect without interruption for another ninety-day period, except when division (I)(2)(a) of this section prevents the agency from adopting the emergency rule, amendment, or rescission as a nonemergency rule, amendment, or rescission within the ninety-day period.

This division does not apply to the adoption of any emergency rule, amendment, or rescission by the tax commissioner under division (C)(2) of section 5117.02 of the Revised Code.

(G) Rules adopted by an authority within the department of job and family services for the administration or enforcement of Chapter 4141. of the Revised Code or of the department of taxation shall be effective without a hearing as provided by this section if the statutes pertaining to such agency specifically give a right of appeal to the board of tax appeals or to a higher authority within the agency or to a court, and also give the appellant a right to a hearing on such appeal. This division does not apply to the adoption of any rule, amendment, or rescission by the tax commissioner under division (C)(1) or (2) of section 5117.02 of the Revised Code, or deny the right to file an action for declaratory judgment as provided in Chapter 2721. of the Revised Code from the decision of the board of tax appeals or of the higher authority within such agency.

(H) When any agency files a proposed rule, amendment, or rescission under division (B) of this section, it shall also file in electronic form with the joint committee on agency rule review the full text of the proposed rule, amendment, or rule to be rescinded in the same form and the public notice required under division (A) of this section. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has given a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the joint committee for all of the proposed rules, amendments, or rescissions to which the notice applies.) If the agency makes a substantive revision in a proposed rule, amendment, or rescission after it is filed with the joint committee, the agency shall promptly file the full text of the proposed rule, amendment, or rescission in its revised form in electronic form with the joint committee. The latest version of a proposed rule, amendment, or rescission as filed with the joint committee supersedes each earlier version of the text of the same proposed rule, amendment, or rescission. An agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, amendment, or rescission, and along with a proposed rule, amendment, or rescission in revised form, that is filed under this division.

This division does not apply to:

(1) An emergency rule, amendment, or rescission;

(2) Any proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

(a) A statement that it is proposed for the purpose of complying with a federal law or rule;

(b) A citation to the federal law or rule that requires verbatim compliance.

If a rule or amendment is exempt from legislative review under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.

(I)(1) The joint committee on agency rule review may recommend the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof if it finds any of the following:

(a) That the rule-making agency has exceeded the scope of its statutory authority in proposing the rule, amendment, or rescission;

(b) That the proposed rule, amendment, or rescission conflicts with another rule, amendment, or rescission adopted by the same or a different rule-making agency;

(c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment, or rescission;

(d) That the rule-making agency has failed to prepare a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission as required by section 121.24 or 127.18 of the Revised Code, or both, or that the proposed rule, amendment, or rescission incorporates a text or other material by reference and either the rule-making agency has failed to file the text or other material incorporated by reference as required by section 121.73 of the Revised Code or, in the case of a proposed rule or amendment, the incorporation by reference fails to meet the standards stated in section 121.72, 121.75, or 121.76 of the Revised Code.

The joint committee shall not hold its public hearing on a proposed rule, amendment, or rescission earlier than the forty-first day after the original version of the proposed rule, amendment, or rescission was filed with the joint committee.

The house of representatives and senate may adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof. The concurrent resolution shall state which of the specific rules, amendments, rescissions, or parts thereof are invalidated. A concurrent resolution invalidating a proposed rule, amendment, or rescission shall be adopted not later than the sixty-fifth day after the original version of the text of the proposed rule, amendment, or rescission is filed with the joint committee, except that if more than thirty-five days after the original version is filed the rule-making agency either files a revised version of the text of the proposed rule, amendment, or rescission, or revises the rule summary and fiscal analysis in accordance with division (I)(4) of this section, a concurrent resolution invalidating the proposed rule, amendment, or rescission shall be adopted not later than the thirtieth day after the revised version of the proposed rule or rule summary and fiscal analysis is filed. If, after the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the house of representatives or senate does not, within the time remaining for adoption of the concurrent resolution, hold five floor sessions at which its journal records a roll call vote disclosing a sufficient number of members in attendance to pass a bill, the time within which that house may adopt the concurrent resolution is extended until it has held five such floor sessions.

Within five days after the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the clerk of the senate shall send the rule-making agency, the secretary of state, and the director of the legislative service commission in electronic form a

certified text of the resolution together with a certification stating the date on which the resolution takes effect. The secretary of state and the director of the legislative service commission shall each note the invalidity of the proposed rule, amendment, rescission, or part thereof, and shall each remove the invalid proposed rule, amendment, rescission, or part thereof from the file of proposed rules. The rule-making agency shall not proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, rescission, or part thereof that has been invalidated by concurrent resolution.

Unless the house of representatives and senate adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof within the time specified by this division, the rule-making agency may proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rule, amendment, or rescission as filed with the joint committee. If by concurrent resolution certain of the rules, amendments, rescissions, or parts thereof are specifically invalidated, the rule-making agency may proceed to adopt, in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rules, amendments, rescissions, or parts thereof as filed with the joint committee that are not specifically invalidated. The rule-making agency may not revise or amend any proposed rule, amendment, rescission, or part thereof that has not been invalidated except as provided in this chapter or in section 111.15 of the Revised Code.

(2)(a) A proposed rule, amendment, or rescission that is filed with the joint committee under division (H) of this section or division (D) of section 111.15 of the Revised Code shall be carried over for legislative review to the next succeeding regular session of the general assembly if the original or any revised version of the proposed rule, amendment, or rescission is filed with the joint committee on or after the first day of December of any year.

(b) The latest version of any proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section, as filed with the joint committee, is subject to legislative review and invalidation in the next succeeding regular session of the general assembly in the same manner as if it were the original version of a proposed rule, amendment, or rescission that had been filed with the joint committee for the first time on the first day of the session. A rule-making agency shall not adopt in accordance with division (D) of this section, or file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section until the time for legislative review and invalidation, as contemplated by division (I)(2)(b) of this section, has expired.

(3) Invalidation of any version of a proposed rule, amendment, rescission, or part thereof by concurrent resolution shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the same proposed rule, amendment, rescission, or part thereof for the duration of the general assembly that invalidated the proposed rule, amendment, rescission, or part thereof unless the same general assembly adopts a concurrent resolution permitting the rule-making agency to institute or continue such proceedings.

The failure of the general assembly to invalidate a proposed rule, amendment, rescission, or part thereof under this section shall not be construed as a ratification of the lawfulness or reasonableness of the proposed rule, amendment, rescission, or any part thereof or of the validity of the procedure by which the proposed rule, amendment, rescission, or any part thereof was proposed or adopted.

(4) In lieu of recommending a concurrent resolution to invalidate a proposed rule, amendment, rescission, or part thereof because the rule-making agency has failed to prepare a complete and accurate fiscal analysis, the joint committee on agency rule review may issue, on a one-time basis, for rules, amendments, rescissions, or parts thereof that have a fiscal effect on

school districts, counties, townships, or municipal corporations, a finding that the rule summary and fiscal analysis is incomplete or inaccurate and order the rule-making agency to revise the rule summary and fiscal analysis and refile it with the proposed rule, amendment, rescission, or part thereof. If an emergency rule is filed as a nonemergency rule before the end of the ninetieth day of the emergency rule's effectiveness, and the joint committee issues a finding and orders the rule-making agency to refile under division (I)(4) of this section, the governor may also issue an order stating that the emergency rule shall remain in effect for an additional sixty days after the ninetieth day of the emergency rule's effectiveness. The governor's orders shall be filed in accordance with division (F) of this section. The joint committee shall send in electronic form to the rule-making agency, the secretary of state, and the director of the legislative service commission a certified text of the finding and order to revise the rule summary and fiscal analysis, which shall take immediate effect.

An order issued under division (I)(4) of this section shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the proposed rule, amendment, rescission, or part thereof until the rule-making agency revises the rule summary and fiscal analysis and refiles it in electronic form with the joint committee along with the proposed rule, amendment, rescission, or part thereof. If the joint committee finds the rule summary and fiscal analysis to be complete and accurate, the joint committee shall issue a new order noting that the rule-making agency has revised and refiled a complete and accurate rule summary and fiscal analysis. The joint committee shall send in electronic form to the rule-making agency, the secretary of state, and the director of the legislative service commission a certified text of this new order. The secretary of state and the director of the legislative service commission shall each link this order to the proposed rule, amendment, rescission, or part thereof. The rule-making agency may then proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the proposed rule, amendment, rescission, or part thereof that was subject to the finding and order under division (I)(4) of this section. If the joint committee determines that the revised rule summary and fiscal analysis is still inaccurate or incomplete, the joint committee shall recommend the adoption of a concurrent resolution in accordance with division (I)(1) of this section.

Chapter 121

State Departments

121.22 Meetings of public bodies to be public; exceptions.

(A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.

(B) As used in this section:

(1) "Public body" means any of the following:

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.01.1 of the Revised Code.

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

- (1) A grand jury;
- (2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;
- (3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;
- (4) The organized crime investigations commission established under section 177.01 of the Revised Code;
- (5) Meetings of a child fatality review board established under section 307.62.1 of the Revised Code and meetings conducted pursuant to sections 5153.17.1 to 5153.17.3 of the Revised Code;
- (6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;
- (7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.28.1 of the Revised Code;
- (8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;
- (9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code.
- (10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code.

(E) The controlling board, the development financing advisory council, the industrial technology and enterprise advisory council, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, council, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, council, or board from the applicant:

- (1) Marketing plans;
- (2) Specific business strategy;
- (3) Production techniques and trade secrets;
- (4) Financial projections;
- (5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.

The vote by the authority, council, or board to accept or reject the application, as well as all proceedings of the authority, council, or board not subject to this division, shall be open to the public and governed by this section.

- (F) Every public body, by rule, shall establish a reasonable method whereby any person

may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in division (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

(2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law or regulations or state statutes;

(6) Details relative to the security arrangements and emergency response protocols

for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code.

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (7) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

A public body specified in division (B)(1)(c) of this section shall not hold an executive session when meeting for the purposes specified in that division.

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

(I)(1) Any person may bring an action to enforce this section. An action under division (I)(1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2)(a) If the court of common pleas issues an injunction pursuant to division (I)(1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in division (I)(2) of this section, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the injunction or not award attorney's fees to that party if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Chapter 123

Department of Administrative Services - Public Works

123.01 Powers and duties.

(A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code, and provided elsewhere by law, shall exercise the following powers:

(1) To prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative appropriations or any other funds made available therefor, provided that the construction of the projects, improvements, or public buildings is a statutory duty of the department. This section does not require the independent employment of an architect or engineer as provided by section 153.01 of the Revised Code in the cases to which that section applies nor affect or alter the existing powers of the director of transportation.

(2) To have general supervision over the construction of any projects, improvements, or public buildings constructed for a state agency and over the inspection of materials previous to their incorporation into those projects, improvements, or buildings;

(3) To make contracts for and supervise the construction of any projects and improvements or the construction and repair of buildings under the control of a state agency, except contracts for the repair of buildings under the management and control of the departments of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the bureau of workers' compensation, the rehabilitation services commission, and boards of trustees of educational and benevolent institutions and except contracts for the construction of projects that do not require the issuance of a building permit or the issuance of a certificate of occupancy and that are necessary to remediate conditions at a hazardous waste facilities, solid waste facility, or other location at which the director of environmental protection has reason to believe there is a substantial threat to public health or safety or the environment. These contracts shall be made and entered into by the directors of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the administrator of workers' compensation, the rehabilitation services commission, the boards of trustees of such institutions, and the director of environmental protection, respectively. All such contracts may be in whole or in part on unit price basis of maximum estimated cost, with payment computed and made upon actual quantities or units.

(4) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;

(5) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code;

(6) To make and provide all plans, specifications, and models for the construction and perfection of all systems of sewerage, drainage, and plumbing for the state in connection with buildings and grounds under the control of a state agency;

(7) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;

(8) To procure, by lease, storage accommodations for a state agency;

(9) To lease or grant easements or licenses for unproductive and unused lands or

other property under the control of a state agency. Such leases, easements, or licenses shall be granted for a period not to exceed fifteen years and shall be executed for the state by the director of administrative services and the governor and shall be approved as to form by the attorney general, provided that leases, easements, or licenses may be granted to any county, township, municipal corporation, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, conservancy district, or other political subdivision or taxing district, or any agency of the United States government, for the exclusive use of that agency, political subdivision, or taxing district, without any right of sublease or assignment, for a period not to exceed fifteen years, and provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.77 of the Revised Code.

(10) To lease office space in buildings for the use of a state agency;

(11) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;

(12) To exercise general custodial care of all real property of the state;

(13) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;

(14) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.

(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:

(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;

(ii) Details to scale and full sized, so drawn and represented as to be easily understood;

(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the bureau and the secretary of state have made the certifications required by this section of the builder who has submitted the lowest and best bid. Within ten days of the completion of the investigation of the bids, the department shall award the lease agreement to the builder who has submitted the lowest and best bid and who has been certified by the bureau and secretary of state as required by this section. If bidding for the lease agreement has been conducted upon the basis of basic plans, specifications, bills of materials, and estimates of costs, upon the award to the builder the department, or the builder with the approval of the department, shall appoint an architect or engineer licensed in this state to prepare such further detailed plans, specifications, and bills of materials as are required to construct the building, structure, or improvement. The department shall adopt such rules as are necessary to give effect to this section. The department may reject any bid. Where there is reason to believe there is collusion or combination among bidders, the bids of those concerned therein shall be rejected.

(15) To acquire by purchase, gift, devise, or grant and to transfer, lease, or otherwise dispose of all real property required to assist in the development of a conversion facility as defined in section 5709.30 of the Revised Code as that section existed before its repeal by Amended Substitute House Bill 95 of the 125th general assembly;

(16) To lease for a period not to exceed forty years, notwithstanding any other division of this section, the state-owned property located at 408-450 East Town Street, Columbus, Ohio, formerly the state school for the deaf, to a developer in accordance with this section. "Developer," as used in this section, has the same meaning as in section 123.77 of the Revised Code.

Such a lease shall be for the purpose of development of the land for use by senior citizens by constructing, altering, renovating, repairing, expanding, and improving the site as it existed on June 25, 1982. A developer desiring to lease the land shall prepare for submission to the department a plan for development. Plans shall include provisions for roads, sewers, water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise, and plans for financing the development, and shall set forth details of the developer's financial responsibility.

The department may employ, as employees or consultants, persons needed to assist in reviewing the development plans. Those persons may include attorneys, financial experts, engineers, and other necessary experts. The department shall review the development plans and may enter into a lease if it finds all of the following:

- (a) The best interests of the state will be promoted by entering into a lease with the developer;
- (b) The development plans are satisfactory;
- (c) The developer has established the developer's financial responsibility and satisfactory plans for financing the development.

The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. The lease shall contain such conditions and stipulations as the director considers necessary to preserve the best interest of the state. Moneys received by the state pursuant to this lease shall be paid into the general revenue fund. The lease shall provide that at the end of the lease period the buildings, structures, and related improvements shall become the property of the state without cost.

(17) To lease to any person any tract of land owned by the state and under the control of the department, or any part of such a tract, for the purpose of drilling for or the pooling of oil or gas. Such a lease shall be granted for a period not exceeding forty years, with the full power to contract for, determine the conditions governing, and specify the amount the state shall receive for the purposes specified in the lease, and shall be prepared as in other cases.

(18) To manage the use of space owned and controlled by the department, including space in property under the jurisdiction of the Ohio building authority, by doing all of the following:

- (a) Biennially implementing, by state agency location, a census of agency employees assigned space;
- (b) Periodically in the discretion of the director of administrative services:
 - (i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;
 - (ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.
 - (iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;
 - (iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.
- (c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.

(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following:

(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories;

(2) The power of the director of transportation in acquiring rights-of-way for the state highway system, or the leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the department of transportation, or the purchase of real property for garage sites or division or resident district offices, or in preparing plans and specifications for and constructing such buildings as the director may require in the administration of the department;

(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.01.1 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;

(4) The power of the division of liquor control in the leasing or purchasing of retail outlets and warehouse facilities for the use of the division;

(5) The power of the director of development to enter into leases of real property, buildings, and office space to be used solely as locations for the state's foreign offices to carry out the purposes of section 122.05 of the Revised Code;

(6) The power of the director of environmental protection to enter into environmental covenants, to grant and accept easements, or to sell property pursuant to division (G) of section 3745.01 of the Revised Code.

(C) Purchases for, and the custody and repair of, buildings under the management and control of the capitol square review and advisory board, the rehabilitation services commission, the bureau of workers' compensation, or the departments of public safety, job and family services, mental health, mental retardation and developmental disabilities, and rehabilitation and correction, and buildings of educational and benevolent institutions under the management and control of boards of trustees, are not subject to the control and jurisdiction of the department of administrative services.

(D) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.01.2 of the Revised Code.

123.01.1 Office of energy services.

(A) As used in this section:

(1) "Construct" includes reconstruct, improve, renovate, enlarge, or otherwise alter.

(2) "Energy consumption analysis" means the evaluation of all energy consuming systems, components, and equipment by demand and type of energy, including the internal energy load imposed on a facility by its occupants and the external energy load imposed by climatic conditions.

(3) "Energy performance index" means a number describing the energy requirements of a facility per square foot of floor space or per cubic foot of occupied volume as appropriate under defined internal and external ambient conditions over an entire seasonal cycle.

(4) "Facility" means a building or other structure, or part of a building or other structure, that includes provision for a heating, refrigeration, ventilation, cooling, lighting, hot water, or other major energy consuming system, component, or equipment.

(5) "State funded" means funded in whole or in part through appropriation by the general assembly or through the use of any guarantee provided by this state.

(6) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) There is hereby created within the department of administrative services the office of energy services. The office shall be under the supervision of a manager, who shall be appointed by the director of administrative services. The director shall assign to the office such number of employees and furnish such equipment and supplies as are necessary for the performance of the office's duties.

The office shall develop energy efficiency and conservation programs in each of the following areas:

- (1) New construction design and review;
- (2) Existing building audit and retrofit;
- (3) Energy efficient procurement;
- (4) Alternative fuel vehicles.

The office may accept and administer grants from public and private sources for carrying out any of its duties under this section.

(C) No state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution, including those agencies otherwise excluded from the jurisdiction of the department under division (A)(3) of section 123.01 of the Revised Code, shall lease, construct, or cause to be leased or constructed, within the limits prescribed in this section, a state-funded facility, without having secured from the office a proper life-cycle cost analysis or, in the case of a lease, an energy consumption analysis, as computed or prepared by a qualified architect or engineer in accordance with the rules required by division (D) of this section.

Construction shall proceed only upon the disclosure to the office, for the facility chosen, of the life-cycle costs as determined in this section and the capitalization of the initial construction costs of the building. The results of life-cycle cost analysis shall be a primary consideration in the selection of a building design. That analysis shall be required only for construction of buildings with an area of five thousand square feet or greater. An energy consumption analysis for the term of a proposed lease shall be required only for the leasing of an area of twenty thousand square feet or greater within a given building boundary. That analysis shall be a primary consideration in the selection of a facility to be leased.

Nothing in this section shall deprive or limit any state agency that has review authority over design, construction, or leasing plans from requiring a life-cycle cost analysis or energy consumption analysis.

Whenever any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution requests release of capital improvement funds for any state-funded facility, it shall submit copies of all pertinent life-cycle cost analyses prepared pursuant to this section and in accordance with rules adopted under Chapters 3781. and 4101. of the Revised Code.

(D) For the purposes of assisting the department in its responsibility for state-funded facilities pursuant to section 123.01 of the Revised Code and of cost-effectively reducing the energy consumption of those and any other state-funded facilities, thereby promoting fiscal, economic, and environmental benefits to this state, the office shall promulgate rules specifying cost-effective, energy efficiency and conservation standards that may govern the lease, design, construction, operation, and maintenance of all state-funded facilities except facilities of state institutions of higher education. The office of energy efficiency in the department of development shall cooperate in providing information and technical expertise to the office of energy services to ensure promulgation of rules of maximum effectiveness. The standards prescribed by rules promulgated under this division may draw from or incorporate, by reference or otherwise and in whole or in part, standards already developed or implemented by any competent, public or private standards organization or program. The rules also may include any of the following:

(1) Specifications for a life-cycle cost analysis that shall determine, for the economic life of such state-funded facility, the reasonably expected costs of facility ownership, operation, and maintenance including labor and materials. Life-cycle cost may be expressed as an annual cost for each year of the facility's use. Further, the life-cycle cost analysis may demonstrate for each design how the design contributes to energy efficiency and conservation with respect to any of the following:

- (a) The coordination, orientation, and positioning of the facility on its physical site;
- (b) The amount and type of glass employed in the facility and the directions of exposure;
- (c) Thermal characteristics of materials incorporated into facility design, including insulation;
- (d) Architectural features that affect energy consumption, including the solar absorption and reflection properties of external surfaces;
- (e) The variable occupancy and operating conditions of the facility and portions of the facility, including illumination levels;
- (f) Any other pertinent, physical characteristics of the design.

A life-cycle cost analysis additionally may include an energy consumption analysis that conforms to division (D)(2) of this section.

(2) Specifications for an energy consumption analysis of the facility's heating, refrigeration, ventilation, cooling, lighting, hot water, and other major energy consuming systems, components, and equipment . This analysis shall include both of the following:

- (a) The comparison of two or more system alternatives, one of which may be a system using solar energy;
- (b) The projection of the annual energy consumption of those major energy consuming systems, components, and equipment , for a range of operation of the facility over the economic life of the facility and considering their operation at other than full or rated outputs.

A life-cycle cost analysis and energy consumption analysis shall be based on the best currently available methods of analysis, such as those of the national bureau of standards, the department of housing and urban development or other federal agencies , professional societies, and directions developed by the department.

(3) Specifications for energy performance indices, to be used to audit and evaluate competing design proposals submitted to the state.

(4) A requirement that, not later than two years after the effective date of this amendment, each state-funded facility except a facility of a state institution of higher education is managed by at least one building operator certified under the building operator certification program or any equivalent program or standards as shall be prescribed in the rules and considered reasonably equivalent.

(5) An application process by which a project manager, as to a specified state-funded facility except a facility of a state institution of higher education, may apply for a waiver of compliance with any provision of the rules required by divisions (D)(1) to (4) of this section.

(E) The office of energy services shall promulgate rules to ensure that energy efficiency and conservation will be considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. Minimum energy efficiency standards for purchased products and equipment may be required, based on federal testing and labeling where available or on standards developed by the office. The rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code where possible.

The office also shall ensure energy efficient and energy conserving purchasing practices by doing all of the following:

(1) Cooperatively with the office of energy efficiency, identifying available energy efficiency and conservation opportunities;

(2) Providing for interchange of information among purchasing agencies;

(3) Identifying laws, policies, rules, and procedures that need modification;

(4) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by government;

(5) Cooperatively with the office of energy efficiency, providing technical assistance and training to state employees involved in the purchasing process.

The department of development shall make recommendations to the office regarding planning and implementation of purchasing policies and procedures supportive of energy efficiency and conservation.

(F)(1) The office of energy services shall require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures ensuring that all their passenger automobiles acquired in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as shall be prescribed by the office by rule. The office shall promulgate the rule prior to the beginning of the fiscal year in accordance with the average fuel economy standards established pursuant to federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.

(2) Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing:

(a) The total number of passenger vehicles acquired during the fiscal year, except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by

(b) A sum of terms, each of which is a fraction created by dividing:

(i) The number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year, by

(ii) The fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.

As used in division (F)(2) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased.

(G) Each state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, institution, and state institution of higher education shall comply with any applicable provision of this section or of a rule promulgated pursuant to division (D) or (F) of this section.

123.02.4 Office space for veterans and auxiliary organizations.

(A) The department of administrative services shall assign and make available, at state expense, suitable office space in state-owned facilities to accommodate the office operations of the state headquarters of all of the following:

(1) All veterans organizations in this state that either are incorporated and issued a charter by the congress of the United States or are recognized by the United States department of veterans affairs;

(2) The auxiliary organizations of veterans organizations described in division (A)(1) of this section;

(3) The Ohio veterans' home agency.

(B) The department may situate office space for each auxiliary organization of a veterans organization with or near the office space of that veterans organization.

123.15.1 Rules for certification as minority business enterprises.

(A) As used in this section, "minority business enterprise" has the same meaning as in division (E)(1) of section 122.71 of the Revised Code.

(B)(1) The director of administrative services shall make rules in accordance with Chapter 119. of the Revised Code establishing procedures by which minority businesses may apply to the equal employment opportunity coordinator for certification as minority business enterprises.

(2) The coordinator shall approve the application of any minority business enterprise that complies with the rules adopted under this division. Any person adversely affected by an order of the coordinator denying certification as a minority business enterprise may appeal as

provided in Chapter 119. of the Revised Code. The coordinator shall prepare and maintain a list of certified minority business enterprises.

(C) The department of administrative services, every other state agency authorized to enter into contracts for construction or contracts for purchases of equipment, materials, supplies, insurance, or services, and every port authority shall file a report every ninety days with the equal employment opportunity coordinator. The report shall be filed at a time and in a form prescribed by the coordinator. The report shall include the name of each minority business enterprise that the agency or port authority entered into a contract with during the preceding ninety-day period and the total value and type of each such contract. No later than thirty days after the end of each fiscal year, the coordinator shall notify in writing each state agency and port authority that has not complied with the reporting requirements of this division for the prior fiscal year. A copy of this notification regarding a state agency shall be submitted to the director of budget and management. No later than thirty days after the notification, the agency or port authority shall submit to the coordinator the information necessary to comply with the reporting requirements of this division.

If, after the expiration of this thirty-day period, a state agency has not complied with the reporting requirements of this division, the coordinator shall certify to the director of budget and management that the agency has not complied with the reporting requirements. A copy of this certification shall be submitted to the agency. Thereafter, no funds of the agency shall be expended during the fiscal year for construction or purchases of equipment, materials, supplies, contracts of insurance, or services until the coordinator certifies to the director of budget and management that the agency has complied with the reporting requirements of this division for the prior fiscal year.

If any port authority has not complied with the reporting requirement after the expiration of the thirty-day period, the coordinator shall certify to the speaker of the house of representatives and the president of the senate that the port authority has not complied with the reporting requirements of this division. A copy of this certification shall be submitted to the port authority. Upon receipt of the certification, the speaker of the house of representatives and the president of the senate shall take such action or make such recommendations to the members of the general assembly as they consider necessary to correct the situation.

123.77 Lease of university land.

The department of administrative services may lease land belonging to or under the control or jurisdiction of a state university, not required nor to be required for use of the university, to a developer in accordance with this section. "Developer," as used in this section, means a person, partnership, association, corporation, or community improvement corporation established pursuant to Chapter 1724. of the Revised Code who or which submits a development plan to the department as provided in this section and requests the department to enter into a lease.

Such a lease of university land shall be for the purpose of development of the land by establishing, constructing, altering, repairing, expanding, and improving industrial, distribution, commercial, or research facilities. A developer desiring to lease land of the university for such development shall prepare and submit to the department of administrative services and to the board of trustees of the university a plan for such development. Plans shall include provisions for roads, streets, sewers, water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise and plans for financing the development, and shall set forth details of the developer's financial responsibility.

The department of administrative services may employ as employees or consultants, persons needed to assist it in reviewing the development plans. Such persons may include attorneys, financial experts, engineers, and other necessary experts. The department of administrative services shall review the development plans and may enter into a lease if it finds that:

(A) The best interests of the university will be promoted by entering into a lease with the developer.

(B) The development plans are satisfactory.

(C) The developer has established his financial responsibility and satisfactory plans for financing the development.

(D) The university board of trustees approves the lease.

A lease may be entered into pursuant to this section for an annual rent agreed to between the department and the developer for a maximum term of forty years and may be renewed for a like or lesser term. The lease shall contain a provision that construction of buildings, structures, roads, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. Moneys received by the state pursuant to such leases shall be paid into the state treasury as an addition to the appropriation made to the university which has control or jurisdiction of the land or to which the land belongs.

Chapter 124

Department of Administrative Services - Personnel

124.19 Holidays.

(A) State holidays shall be the first day of January, the third Monday in January, the third Monday in February, the day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day, the fourth day of July, the first Monday in September, the second Monday in October, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and any day appointed and recommended by the governor of this state or the president of the United States. Employees shall be paid for these holidays as specified in section 124.18 of the Revised Code.

(B) The board of trustees of a community college, technical college, state community college, or state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code may, for all employees of the college or university, observe on days other than those specified in division (A) of this section any of the holidays otherwise observed on the third Monday in January, the third Monday in February, and the second Monday in October.

124.34 Reduction in pay or position – suspension – removal.

(A) The tenure of every officer or employee in the classified service of the state and the counties, civil service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under this chapter, shall be during good behavior and efficient service. No officer or employee shall be reduced in pay or position, fined, suspended, or removed, or have the officer's or employee's longevity reduced or eliminated, except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. The denial of a one-time pay supplement or a bonus to an officer or employee is not a reduction in pay for purposes of this section.

An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions. A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional service of the department of transportation is subject to section 5501.20 of the Revised Code.

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the state personnel board of review or the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick, personal, and vacation leave as authorized by law. If subsequently reemployed in the public sector, the person shall qualify for and accrue these forms of leave in the manner specified by law for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the following:

(1) A felony that is an offense of violence as defined in section 2901.01 of the Revised Code;

(2) A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;

(3) A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;

(4) A felony involving dishonesty, fraud, or theft;

(5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

(B) In case of a reduction, a suspension of forty or more work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of twenty-four or more work hours in the case of an employee required to be paid overtime compensation, a fine of forty or more hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine of twenty-four or more hours' pay in the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action.

Within ten days following the date on which the order is served or, in the case of an employee in the career professional service of the department of transportation, within ten days following the filing of a removal order, the employee, except as otherwise provided in this section, may file an appeal of the order in writing with the state personnel board of review or the commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first. If an appeal is filed, the board or commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, the appeal within thirty days from and after its filing with the board or commission. The board, commission, or trial board may affirm, disaffirm, or modify the judgment of the appointing authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, the board, commission, or trial board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the state personnel board of review or the commission, and any such appeal shall be to the court of common pleas of the

county in which the appointing authority is located, or to the court of common pleas of Franklin county, as provided by section 119.12 of the Revised Code.

(C) In the case of the suspension for any period of time, or a fine, demotion, or removal, of a chief of police, a chief of a fire department, or any member of the police or fire department of a city or civil service township, who is in the classified civil service, the appointing authority shall furnish the chief or member with a copy of the order of suspension, fine, demotion, or removal, which order shall state the reasons for the action. The order shall be filed with the municipal or civil service township civil service commission. Within ten days following the filing of the order, the chief or member may file an appeal, in writing, with the commission. If an appeal is filed, the commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, the appeal within thirty days from and after its filing with the commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority. An appeal on questions of law and fact may be had from the decision of the commission to the court of common pleas in the county in which the city or civil service township is situated. The appeal shall be taken within thirty days from the finding of the commission.

(D) A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of employment of a nonteaching employee under this section.

(E) As used in this section, "last chance agreement" means an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission.

124.36 Membership in organization advocating overthrow of government, as cause for removal; termination of teacher's contract.

It shall be sufficient cause for the removal of any public employees including teachers in the public schools or any state supported educational institution when such public employee or teacher advocates or willfully retains membership in an organization which advocates overthrow of the government of the United States or of the state, by force, violence or other unlawful means.

The procedure for the termination of a contract of a teacher under the provisions of this section shall be in the manner set forth in section 3319.16 of the Revised Code. The procedure for the removal of all other public employees under the provisions of this section shall be the same as is provided in section 124.34 of the Revised Code, except that the decision of the state personnel board of review or the municipal civil service commission shall be subject to appeal to the court of common pleas of the county in which such public employees are employed to determine the sufficiency of the cause of removal. Such appeal shall be taken within ten days from the finding of the board or commission.

Chapter 1503

Division of Forestry

1503.02 Duties of Ohio agricultural research and development center.

The Ohio agricultural research and development center shall carefully inquire into the character and extent of the forests of the state, the causes of their waste and decay, and methods for their preservation and development. It shall conduct investigations in the several sections of the state, determine the species of valuable trees best suited to grow on the various kinds of soil, and ascertain the best methods and cost of the propagation, planting, and cultivation of wood lots and plantations. It shall determine the average rate of growth of the various species of trees and the relative values of different kinds of timber for domestic and commercial purposes, and conduct experiments for the purpose of increasing durability of the various kinds of wood. It shall determine the kind of trees and shrubs best suited to different localities for windbreaks and shelter, and for beautifying grounds, and shall ascertain the best methods of planting and managing such trees, shrubs, and grounds.

Chapter 1711

Agricultural Corporations; Amusement Rides

1711.07 Board of directors of county or independent society.

The board of directors of a county or independent agricultural society shall consist of at least eight members. An employee of the Ohio state university extension service and the county school superintendent shall be members ex officio. Their terms of office shall be determined by the rules of the department of agriculture. Any vacancy in the board caused by death, resignation, refusal to qualify, removal from county, or other cause may be filled by the board until the society's next annual election, when a director shall be elected for the unexpired term. There shall be an annual election of directors by ballot at a time and a place fixed by the board, but this election shall not be held later than the first Saturday in December 1994, and not later than the fifteenth day of November each year thereafter, beginning in 1995. The secretary of the society shall give notice of such election, for three weeks prior to the holding thereof, in at least two newspapers of opposite politics and of general circulation in the county, or by letter mailed to each member of the society. Only persons holding membership certificates at the close of the annual county fair, or at least fifteen calendar days before the date of election, as may be fixed by the board, may vote, unless such election is held on the fairground during the fair, in which case all persons holding membership certificates on the date and hour of the election may vote. When the election is to be held during the fair, notice of such election must be prominently mentioned in the premium list, in addition to the notice required in newspapers. The terms of office of the retiring directors shall expire, and those of the directors-elect shall begin, not later than the first Saturday in January 1995, and not later than the thirtieth day of November each year thereafter, beginning in 1995.

The secretary of such society shall send the name and address of each member of its board to the director of agriculture within ten days after the election.

(AS OF FEBRUARY 2, 2007)

Chapter 3335-1

**BYLAWS OF THE BOARD OF TRUSTEES
OF THE OHIO STATE UNIVERSITY**

3335-1-01 Meetings of the board of trustees.

- (A) Regular meetings. Unless otherwise specified by the chair, regular meetings of the board of trustees shall be held on the first Friday of each month except the months of January and August, during which there will be no regular meeting.
- (B) Special meetings. Special meetings of the board of trustees shall be held upon call of the chair. Special meetings may be called by the chair on his or her own initiative and shall be called by the chair, upon written request of three members of the board.
- (C) Time and place of meetings. Unless otherwise specified in the notice of meeting, all meetings of the board shall be held at the Ohio state university at such time as is designated in the notice of meetings.
- (D) Organization of meetings. At each meeting of the board, the chair, or in the chair's absence the vice chair, or in the absence of both of the foregoing, a chair chosen by a majority of the board present, shall preside. The secretary, or in the secretary's absence the associate secretary, shall perform the duties of the secretary of the meeting and shall keep the minutes thereof.
- (E) Order of business. Unless otherwise ordered by the board, the order of business at all meetings of the board shall be as follows:
 - (1) Roll call.
 - (2) Approval of minutes of preceding meeting.
 - (3) Election of officers (May meeting).
 - (4) Report of the president of the university.
 - (5) Report of committees of board of trustees.
 - (6) Unfinished business.
 - (7) Consent agenda
 - (8) New business.
- (F) Business to be considered at meetings. Any proposed action which is to be introduced by a board member and which will substantially affect university policy shall be presented to the other board members prior to the meeting at which the matter is to be considered by the board. Matters presented to the board by the president of the university shall follow the procedure outlined in paragraph (C) of rule 3335-1-03 of the Administrative Code. Any matters coming to the board other than from a board member or from the president of the university shall be presented to the secretary of the board at least two weeks prior to the meeting at which it is to be considered by the board.
- (G) Quorum and manner of acting.
 - (1) A majority of the board members shall be present in person at any meeting in order to constitute a quorum for the transaction of business at such meeting and, except as otherwise provided in paragraph (G)(2) of this rule, the act of the majority of the

trustees present at any such meeting at which a quorum is present shall be the act of the board of trustees. In the absence of a quorum, a majority of those present may adjourn the meeting from time to time until a quorum is had. Notice of any adjourned meeting need not be given.

- (2) The concurrence of a majority of all of the board members shall be necessary to elect or to remove the president or a member of the university faculty. A roll call vote is necessary when electing or removing a president or a member of the university faculty and when acting on motions involving the expenditure of university funds. On all other matters a voice vote shall be sufficient.
- (3) Conflict of interest, abstention. No trustee shall participate in deliberations or vote on a university contract, action or transaction when the trustee has a financial or personal or fiduciary interest in any person or entity affected by such contract, action or transaction. The trustee having the prohibited interest shall make full disclosure thereof and shall abstain from any deliberations or vote on any such matter. Any contract, action or transaction in which one or more trustees have a prohibited interest may be approved by the affirmative vote of a majority of voting trustees who are not interested in the contract, notwithstanding the fact that the disinterested trustees constitute less than a quorum of the trustees.

3335-1-02 Officers of the board.

- (A) Number. The officers of the board shall be a chair, a vice chair, a secretary and a treasurer. Any person may hold any two or more offices and perform the duties thereof, except the offices of chair and vice chair.
- (B) Election, term of office, and qualifications.
 - (1) The officers of the board shall be elected at the May meeting of the board of trustees. They shall take office immediately following the adjournment of the meeting at which they were elected and shall hold their office through the following May meeting of the board of trustees and until their successors are elected and qualified.
 - (2) The chair and the vice chair must be members of the board of trustees. The qualifications of all other officers shall be determined by the board.
- (C) Additional officers. In addition to the officers mentioned in paragraph (A) of this rule, the board may designate such other officers as the board may deem necessary. These additional officers shall have such authority and perform such duties as may from time to time be delegated to them by the board.
- (D) Removal. Any officer of the board may be removed at any time, either with or without cause, by resolution adopted by the board of trustees at any meeting of the board, the notice of which having specified that such removal action was to be considered.
- (E) Chair.
 - (1) The chair, when present, shall preside at all meetings of the board; shall sign the journal of all proceedings of the board; and in general, shall perform such duties as usually pertain to this office and such other duties as from time to time may be assigned to the chair by the board. The members of all committees of the board shall be appointed by the chair, unless otherwise ordered by the board.
 - (2) Unless specifically provided to the contrary by the board, the chair may assign any of his or her duties to another member of the board.

(F) Vice chair.

- (1) At the request of or in the absence or disability of the chair, the vice chair shall perform all the duties of the chair and, while so acting, shall have all the powers and authority of, and be subject to all the restrictions upon, the chair. In addition, the vice chair shall perform such other duties as from time to time may be assigned to him or her by the board or by the chair.
- (2) Unless specifically provided to the contrary by the board, the vice chair may assign any of his or her duties to another member of the board.

(G) Secretary.

- (1) Under the direction of the president and with the approval of the board of trustees, the secretary of the board of trustees shall:
 - (a) Be the custodian of and responsible for the official books, records, and all transactions of the board, and such books, records, and transactions shall be open to public inspection in accordance with Ohio law;
 - (b) Be the custodian of the university seal and cause its imprint to be placed whenever and wherever appropriate;
 - (c) Sign, execute and deliver in the name of the university all deeds, mortgages, bonds, contracts and other instruments authorized by the board;
 - (d) Keep the minutes of all meetings of the board and of committees of the board; and
 - (e) See that all notices are duly given in accordance with the provisions of these rules.
- (2) In addition, the secretary shall perform such other duties as from time to time may be assigned to him or her by the board or by the chair.
- (3) The associate secretary of the board shall be responsible for the management of all operational and administrative functions for the office of the board of trustees and in the absence of the secretary, or if a vacancy in the board secretary position exists, the associate secretary shall perform the duties of the secretary of the board and all official actions taken by the associate secretary shall be deemed authorized and approved by the board of trustees.

(H) The treasurer.

- (1) The treasurer of the university shall be the treasurer of the board. Under the direction of the president and the senior vice president for business and finance and chief financial officer, and with the approval of the board of trustees, the treasurer of the university and of the board shall:
 - (a) Receive such moneys as, in accordance with law, are not to be deposited with the state treasurer;
 - (b) Have charge and custody of, and be responsible for all funds, securities, notes, contracts, deeds, documents, and all other indicia of title in the university and valuable effects of the university; receive and give receipts for moneys due and payable to the university from any sources whatsoever; deposit all such moneys in the name of the university in such banks, trust companies or other depositories of the university; be responsible for the accuracy of the amounts of and cause to be preserved proper vouchers for all moneys disbursed;

- (c) Keep, or cause to be kept, in the treasurer's office at the university correct records of the financial affairs of the university, and exhibit such records to any of the members of the board upon request at such office;
- (d) Render to the board, whenever it shall require the treasurer to do so, an account of the financial condition of the university and all of his or her transactions as treasurer, and, as soon as may be after the close of each fiscal year, make and submit to the board a like report for such fiscal year; and
- (e) Give bond, payable to the state of Ohio for the use of the university, in such sum as the board shall determine:
 - (i) For the safe keeping of all university funds,
 - (ii) For the payment of same in accordance with the rules of the board, and
 - (iii) For the faithful discharge of his or her duties as treasurer.

Such bond shall be signed by a surety company authorized to do business in the state of Ohio, and the premium thereon shall be paid by the university. Such bond shall be approved by the attorney general and filed with the secretary of state.

- (2) In the capacity solely as board treasurer, the board treasurer shall have exclusive responsibility for recommending to the trustees qualified providers of financial services, which services are necessary to implement university operational and policy decisions and the trustees shall act directly on such recommendation, delegating no part of that duty.
 - (a) In making the recommendation the board treasurer shall broadly survey the financial service community for qualified providers, requesting proposals from them.
 - (b) From qualified providers responding, the one recommended shall offer:
 - (i) The lowest price, and
 - (ii) Treatment, including price, preferential to or the same accorded other customers in similar transactions.
 - (c) Trustees shall file with the board treasurer on or about the fifteenth of April of each year, on a form prepared by such treasurer, a full disclosure of any financial or fiduciary interest the trustee, a member of the trustee's family, or any business associate of the trustee may have in any financial service provider who may be qualified to do business with the university.
 - (d) The board treasurer shall notify the trustees of any proposed transaction with a financial service provider in which any trustee, his or her family or business associate, has an interest, and the interested trustee shall abstain from the deliberations and from the vote with respect to the proposed financial services contract.
 - (e) Prior to recommending the award of contract pursuant to this subparagraph, the board treasurer shall inform the senior vice president for business and finance and chief financial officer of the recommendation and the basis therefore.
- (3) In addition, the treasurer shall perform such other duties as from time to time may be assigned to him or her by the board or by the chair.

3335-1-03 Administration of the university.

(A) The office of the president.

(1) The office of the president shall consist of:

- (a) The president,
- (b) Chief of staff, and
- (c) Special assistants to the president.

(2) The office of the president shall include such additional officers as the president, in consultation with the board, may from time to time appoint.

(B) The president.

(1) The president shall be the chief executive officer of the Ohio state university and shall be responsible for the entire administration of the university, subject to control of the board of trustees and excepting therefrom those functions reserved exclusively to the board treasurer and trustees in paragraph (H)(2) of rule 3335-1-02 of the Administrative Code. The president shall lead in fostering and promoting education and research as the primary aims of the university. It shall be the duty of the president to enforce the bylaws, rules and regulations of the board of trustees, and, as a member of the faculty, to interpret to the board proposals and actions of the faculty. The president is hereby clothed with the authority requisite to that end.

(2) Any authority or responsibility of the president may be delegated by the president to another person in the office of the president or to any other member of the faculty or staff of the university. Delegation of major areas of authority or responsibility shall have the prior consent of the board of trustees.

(3) The president shall be a voting member of all college faculties, of the graduate school faculty, and of the faculty of the arts and sciences, and shall be a voting member and presiding officer of the university faculty and of the university senate. The president shall appoint all committees of the university faculty and of the university senate, unless membership has been designated by rule.

(4) After consultation with the steering committee of the university senate, the president may recommend to the board of trustees candidates for honorary degrees. The number of candidates so recommended shall be limited to eight per calendar year. This right and its limitation in no way abrogates the power of the university senate to recommend candidates for honorary degrees (rule 3335-5-41 of the Administrative Code).

(C) The president; duty to present matters to the board. All major appointments and all major questions of university policy, including the annual budget, to be recommended by the president shall be presented (either completely or in summary form) by the president to each member of the board prior to the meeting at which the matter is to be considered by the board.

(D) The president; relation to faculty and staff. All members of the faculty shall be responsible to the chair of their department or to the director of their school and through the chair or director to the dean and the president for the faithful and efficient performance of their duties. Every other member of the university staff shall be so responsible to his or her division head and through the division head (and when applicable) to his or her director and dean, and then to the president.

(E) The president's planning cabinet.

- (1) The president's planning cabinet shall consist of the president, the executive vice president and provost, the senior vice president for business and finance and chief financial officer, the vice president for student affairs, the vice president for business and finance, the senior vice president for health sciences, the vice president for agricultural administration and university outreach, and executive dean for food, agricultural, and environmental sciences, the vice president for development and president of the university foundation, the senior vice president for research, the senior vice president for university relations, the vice president for legal affairs and general counsel, the vice president for health services, the vice provost for minority affairs, the associate vice president for human resources, executive dean of the colleges of the arts and sciences, executive dean for the professional colleges, executive dean for the regional campuses, secretary of the university senate, chief information officer, director of athletics, the chief of staff, and the secretary of the board.
- (2) Each member of the president's planning cabinet shall have a major area of responsibility as assigned by the president, in consultation with the board of trustees. He or she shall be the executive head of that area and, subject to the control of the president, shall exercise authority within and be responsible for the administration of that area and such other responsibilities as may be assigned to him or her by the president from time to time. Unless otherwise specified, all assigned responsibilities shall be on a university-wide basis, including the regional campuses of the university.
- (3) Within each planning cabinet member's office there shall be such principal administrative officials as are approved by the president.
- (4) Each member of the president's planning cabinet shall keep appropriate records regarding the administration of his or her area, and such records shall be available to the president upon request.

(F) Executive vice president and provost. The major area of responsibility and authority of the executive vice president and provost shall be that of the instructional and faculty affairs of the university, and the chief operating officer of the university. Without limiting the generality of the foregoing, the executive vice president and provost shall, under the direction of the president and with the approval of the board of trustees, be responsible and have the requisite authority for: providing coordinated leadership for the development and evaluation of curricular patterns and teaching methods; the selection, promotion, professional development, tenure and salary of instructional staff; in partnership with the senior vice president for business and finance, develop and administer the university budget; development and administration of human resources programs and services for faculty and staff; through the office for the coordination of minority affairs and in cooperation with the other existing agencies of the university, the development and maintenance of supplemental programs for the recruitment, orientation, counseling, tutoring, and financial assistance for minority students and the search for necessary funds to support these programs; through the constituent academic divisions, the appraisal of the effectiveness of academic counseling and devising the organization and procedures to improve its effectiveness; the development and administration of policies and operating procedures for enrollment services including admissions, registration, records, and scheduling; student financial aids and scholarships; the development of the services of the university libraries and other learning resources; the development of instructional programs of the departments of air force aerospace studies, military science and naval science; the development of the four regional campuses; oversight of the office of the chief information officer and university systems; and as a deputy of the president of the university, the coordination of all matters administratively assigned to the other vice presidents of the university which relate to the academic program of the university.

(G) Senior vice president for business and finance and chief financial officer. The major area of responsibility and authority of the senior vice president for business and finance and chief financial officer shall be that of the administration of university finances, including

planning and resource allocation, and oversight of the university's administrative and business operations. Without limiting the generality of the foregoing, the senior vice president for business and finance and chief financial officer shall, under the direction of the president and with the approval of the board of trustees, be responsible and have the requisite authority for: policy formulation and direction for the university treasurer functions, excepting therefrom those functions reserved exclusively to the board treasurer and trustees in paragraph (H)(2) of rule 3335-1-02 of the Administrative Code; formulation, review and monitoring of capital and current funds budgets; managing university debt instruments, investments and cash flow; policy formulation and direction for financial accounting and management; monitoring the state budget process and its impact on the university; indirect cost analysis and recovery; strategic analysis; enrollment projections and long-range financial planning to support the academic mission and goals of the university; oversight of the office of the vice president for business and finance; and internal audit. The senior vice president for business and finance and chief financial officer shall report to the president and, as appropriate, shall consult with the executive vice president and provost.

- (H) Vice president for student affairs. The major area of responsibility and authority of the vice president for student affairs shall be that of the administration of the student services of the university. Without limiting the generality of the foregoing, the vice president for student affairs shall, under the direction of the president and with the approval of the board of trustees, be responsible for: the promulgation of rules governing student conduct both on and off campus; the coordination of student extracurricular activities including all student (or student-connected) organizations; the administration of all residence and dining hall facilities, including the operation of the Fawcett center for tomorrow; nonacademic student discipline; the student health service; student union facilities and programs; student recreation and intramural programs; counseling; office for disability services; student personnel assistant program; off-campus student housing; and international student programs. The vice president for student affairs shall report to the president, and, as appropriate, shall consult with the executive vice president and provost.
- (I) Vice president for business and finance. The major area of responsibility and authority of the vice president for business and finance shall be that of the administration of university business, administrative, and financial operations. Without limiting the generality of the foregoing, the vice president for business and finance shall, under the direction of the senior vice president for business and finance and chief financial officer, and with the approval of the board of trustees, be responsible and have the requisite authority for: administrative operations and coordination of the university controller, resource planning and institutional analysis, and the university treasurer, excepting therefrom those functions reserved exclusively to the board treasurer and trustees in paragraph (H)(2) of rule 3335-1-02 of the Administrative Code; management improvement and quality programs; business operations; facility planning and development; allocation, utilization, and maintenance of the physical facilities; the function of the university architect and physical planning for the university; real estate and property management services; university trademark and licensing programs; university public safety; university-wide environmental health and safety; and coordination of all matters administratively assigned to the other vice presidents which relate to the business and administrative areas of the university.
- (J) Senior vice president for health sciences. The major area of responsibility and authority of the senior vice president for health sciences shall be the academic medical center of the university. The academic medical center includes the college of medicine; the Prior health sciences library; centers designated by the provost to be part of the academic medical center; and all hospitals, health services, and health care delivery enterprises owned and/or operated wholly or in part by the university exclusive of:
 - (1) Those clinics operated by other colleges; and
 - (2) The departmental practice plan corporations.

Without limiting the generality of the foregoing, the senior vice president for health sciences shall, under the direction of the president and provost and with the approval of the board of trustees, have responsibility for advancing the academic mission of teaching, research, and service and have authority over the academic medical center; and shall be responsible for agreements and cooperative arrangements between the academic medical center and non-university health care providers. The senior vice president for health sciences shall report to the president regarding all administrative and fiscal matters, and to the executive vice president and provost regarding all academic matters.

- (K) Vice president for agricultural administration and university outreach, and executive dean for food, agricultural, and environmental sciences. The major area of responsibility and authority of the vice president with respect to agricultural administration and as executive dean for food, agricultural, and environmental sciences shall be that of serving as dean of the college of food, agricultural, and environmental sciences, including the school of environment and natural resources and the agricultural technical institute, and the administrative responsibility for the Ohio agricultural research and development center, and the Ohio state university extension, Stone laboratories, and the Ohio sea grant college program. Without limiting the generality of the foregoing, the vice president shall, under the direction of the president and with the approval of the board of trustees, be responsible and have the requisite authority for: the administrative details and authorization for all expenditures of agricultural administration which shall be in accordance with policies and procedures of the Ohio state university. As vice president for university outreach, the vice president provides leadership, vision and coordination for institutional outreach and engagement programs and relationships between and among Ohio state faculty, staff and students and external partners, communities and institutions in furtherance of the university's land-grant mission. The vice president for agricultural administration and university outreach, and executive dean for food, agricultural, and environmental sciences shall report to the president of the university for all administrative and fiscal affairs and to the executive vice president and provost on all academic matters.
- (L) Vice president for development and president of the university foundation. The major area of responsibility and authority of the vice president for development and president of the university foundation shall be the administration of the development activities of the university and serving as president of the university foundation. Without limiting the generality of the foregoing, the vice president for development and president of the university foundation shall, under the direction of the president and with the approval of the board of trustees, be responsible and have the requisite authority for:
- (1) As vice president for development, the management and direction of fund raising, including individual, corporate and foundation giving; formulating policy recommendations; overseeing a university-wide review system for all fund raising projects and coordinating fund raising goals with the academic planning process; and
 - (2) As president of the university foundation, for the proper management and coordination of the activities of the foundation, and assisting the board of directors in developing long-range fund raising activities, as well as other related functions which serve to enhance the university.

The vice president for development and president of the university foundation shall report to the president, and, as appropriate, shall consult with the executive vice president and provost.

- (M) Senior vice president for research. The major area of responsibility and authority of the senior vice president for research shall be that of encouraging, stimulating, and coordinating the research programs of the university. Without limiting the generality of the foregoing, the senior vice president for research shall, under the direction of the president and with the approval of the board of trustees, be responsible and have the requisite authority for: developing broad policies and operating procedures for the research activities of the university; stimulating research developments and assisting in the evaluation of the total research program of the university; providing advice and assistance to college

research administrators in the development of research programs within the colleges; supplying coordinated leadership in securing governmental, industrial, and individual support for the research programs of the university; developing the interdepartmental and inter-college cooperative arrangements for the administration of the research projects; in cooperation with the executive vice president and provost and the dean of the graduate school, assist in the coordination of the research programs and the instructional program of the university; and in cooperation with the senior vice president for business and finance, be responsible for developing the contracting procedures and contract terms for sponsored research undertaken by the colleges and divisions of the university. The senior vice president for research shall report to the president.

- (N) Senior vice president for university relations. The major area of responsibility and authority of the senior vice president for university relations shall be the communications, public relations, and marketing of the university, WOSU stations, and the administration of all aspects of the university's relationships and dealings with federal, state and local government officials, representatives and agencies to advance the university's mission and substantive agenda. Without limiting the generality of the foregoing, the senior vice president for university relations shall, under the direction of the president and with the approval of the board of trustees, be responsible and have the requisite authority for: developing broad policies and operating procedures for communications, public relations, and marketing activities in support of the university's institutional goals; developing and implementing the university's marketing, communications, and public relations strategies; coordinating all internal and external institutional marketing and communications activities; instituting and coordinating collaborative strategies and activities with academic and academic-support units; presenting the university properly to its key audiences nationally and statewide; and informing the university's constituencies about the many benefits it offers and services it provides; advising the president and senior university leadership on all legislative and regulatory matters impacting the university's interests; overseeing the development of strategies to effectively advance the university's academic agenda with government policymakers and funding agencies at all levels; maintaining top-level communications between the university and government officials; and overseeing development of support for the university's agenda among advocacy groups, institutional colleagues, policymakers, and Ohio citizens. The senior vice president for university relations shall report to the president, and, as appropriate, shall consult with the executive vice president and provost.
- (O) Vice president for legal affairs and general counsel. The major area of responsibility and authority of the vice president for legal affairs and general counsel shall be that of administration of legal affairs for the university. Without limiting the generality of the foregoing, the vice president for legal affairs and general counsel shall provide legal advice to the board of trustees, the president, and university officers and administrators. The vice president for legal affairs and general counsel shall, subject to the Ohio Revised Code sections 109.02, 109.12 and 3345.15, be the chief legal officer of the university and supervise all legal work performed on behalf of the university, including legal and contract services. The vice president for legal affairs and general counsel shall serve in an appropriate capacity with university affiliated organizations to coordinate legal matters between the university and these affiliated organizations. The vice president for legal affairs and general counsel, working with the secretary of the board of trustees, shall be responsible for the safekeeping of the university's legal documents and records.
- (P) Chief of staff. The major area of responsibility and authority of the chief of staff shall be that of managing the office of the president; providing staff assistance relative to policy analysis; gathering information necessary to facilitate presidential decisions; performing any functions for the president that do not require the president's direct attention; serving as staff consultant and facilitator in the resolution of problems which cut across the university; advising the president on organizational and policy decisions; serving, as the designee of the president, in committee meetings, university functions, and community events/affairs; and preparing reports and developing special position papers and other presentations for the office of the president.

- (Q) Advisory committees. The president and, subject to the direction of the president, each member of the president's planning cabinet shall have authority to designate advisory committees to advise in affairs relating to their respective responsibilities. These committees shall have such responsibilities as are assigned to them, and committee membership shall be determined by the person designating the committee. Any such committee may be discharged at any time by the person designating it.
- (R) Principal administrative officials.
- (1) The term "principal administrative official" shall include the members of the president's planning cabinet, the deans of the colleges and the dean and directors of regional campuses and their designated staffs, the director of the university libraries, chairs of academic departments, and directors of schools and academic centers. The members of the president's planning cabinet shall identify to the president such other persons in their areas of responsibility who shall be considered principal administrative officials of the university.
 - (2) The president of the university and the members of the president's planning cabinet shall be responsible for conducting both annual and periodic formal reviews of the principal administrative officials in their areas of responsibility.
 - (a) The purpose of the annual review shall be:
 - (i) To evaluate the official's performance;
 - (ii) To provide information for improvement;
 - (iii) To determine whether the official should be recommended for continued appointment; and
 - (iv) To recommend compensation.
 - (b) The purpose of the formal periodic review shall be:
 - (i) To evaluate in a comprehensive manner the official's performance through formal review procedures;
 - (ii) To provide information for improvement; and
 - (iii) To determine whether or not the official should be recommended for continued appointment.
 - (c) Recommendations shall be forwarded to the president.
 - (3) Periodic formal reviews for deans shall be conducted toward the conclusion of each five-year period of service; for chairs, directors of schools and major centers toward the conclusion of each four-year period of service; and for other principal administrative officials toward the conclusion of each four-year period of service.
 - (4) Criteria for evaluation shall be established and defined by the members of the president's planning cabinet in consultation with the persons evaluated and the president. Qualities to be evaluated shall include but not be limited to: knowledge and ability, initiative, judgment, leadership capacity, tact, ability to communicate effectively and resolve conflicts; commitment to personal and professional growth and assisting others to achieve such growth; ability to manage budgets, delegate responsibility, and establish intelligent priorities in the administrator's area of responsibility; and commitment to the mission and goals of the institution.

- (5) In general, each review shall be performed by the person to whom the principal administrative official reports, in consultation with the principal administrative official and persons who report to or through the official being reviewed or by a committee appointed by the person to whom the official reports.

(S) University hospitals board.

- (1) The university hospitals board shall be responsible to the board of trustees for the oversight of patient care services in university hospitals. The hospitals board shall be accountable through the president to the university board of trustees. The bylaws of the hospitals board will be subject to the approval of the university board of trustees.
- (2) The hospitals board shall be comprised of two members of the university board of trustees, twelve persons selected from the general public, and the chairperson of the integrated faculty practice group or other senior faculty physician leader, all who shall be appointed by the university board of trustees in consultation with the president.
- (3) The president of the Ohio state university.
- (4) The executive director, medical director and chief of the medical staff of university hospitals, senior vice president for health sciences and dean of the college of medicine, and vice president for health services shall be ex-officio members with vote of the hospitals board.

(T) The Arthur G. James cancer hospital and the Richard J. Solove research institute board.

- (1) The Arthur G. James cancer hospital and the Richard J. Solove research institute board shall be responsible to the board of trustees for establishing policy, maintaining quality patient care and providing for organization management and planning within the Arthur G. James cancer hospital and the Richard J. Solove research institute. The James cancer hospital board shall be accountable through the president to the university board of trustees. The bylaws of the James cancer hospital board will be subject to the approval of the university board of trustees.
- (2) The Arthur G. James cancer hospital and the Richard J. Solove research institute board shall be comprised of two members of the university board of trustees, the director of the Arthur G. James cancer hospital and Richard J. Solove research institute, the director of the comprehensive cancer center, the director of medical affairs of the James cancer hospital and Solove research institute, the chief of staff of the James cancer hospital and Solove research institute, two senior university administrators, one member of the OSU cancer scholars program, six citizens from the general public, the university senior vice president for health sciences and dean of the college of medicine and public health, the president of the Arthur G. James cancer hospital and Richard J. Solove research institute foundation, and the vice president for health services, all appointed by the university board of trustees in consultation with the university president.

(U) Regional campuses boards.

- (1) The Lima, Mansfield, Marion, and Newark boards shall advise and assist the dean/directors in the administration of their respective regional campuses. Subject to the authority and periodic review of the university board of trustees, each regional board shall:
 - (a) Develop support for the regional campus in their service area;
 - (b) Advise the dean/directors concerning local educational needs, and perceptions of university programs;

- (c) Serve as an advocate for the needs of the regional campus in local and state government agencies, and in the legislature;
 - (d) Participate in the strategic planning process for the regional campus;
 - (e) Review and provide a recommendation with respect to current funds and capital budgets prior to their submission to the university board of trustees by the president; and
 - (f) Coordinate with the board of the appropriate technical college in all areas of common interest.
- (2) Each regional campus board shall be composed of ten members appointed by the Ohio state university board of trustees in consultation with the president of the university: nine members shall be private citizens who have an interest in and knowledge of higher education and who reside within the area served by the institution; and one member shall be a student who is currently enrolled at the applicable regional campus and shall have no voting power on the board, shall not be considered as a member of the board in determining whether a quorum is present, and shall not be entitled to attend executive sessions.

The executive vice president and provost or the provost's designee, in cooperation with the appropriate dean/director, shall serve as the liaison between the regional boards and the various colleges and departments of the university, and may attend all meetings of the boards. The applicable chair of the faculty assembly shall serve as a resource person for the appropriate regional board and, in order to serve that function, may attend all public meetings of the appropriate regional board. (B/T 9/6/2002, B/T 12/5/2003, B/T 5/7/2004, B/T 9/22/2004, B/T 12/2/2005, B/T 7/7/2006, B/T 2/2/2007)

3335-1-04 The faculty and staff.

(A) University faculty; membership.

- (1) As used in these rules and in the "Rules of the University Faculty," the term faculty shall include persons with regular tenure-track, regular clinical, regular research, auxiliary, and emeritus faculty titles on full or part-time appointments with or without salary.
- (2) For purposes of the legislative authority described in paragraph (B) of this rule, the term university faculty shall mean all regular tenure-track faculty, the president, members of the president's planning cabinet serving at the president's pleasure and designated as executive heads of offices, the deans of the colleges and of the graduate school, the executive dean of the colleges of the arts and sciences, and the dean for undergraduate education.

(B) University faculty; powers.

- (1) The legislative authority to establish educational and academic policies of the university is vested in the university faculty, subject to the approval of the board of trustees. In this connection, the university faculty shall have the authority, subject to the approval of the board of trustees, to adopt rules to effectuate the educational and academic policies of the university. It shall also act upon all matters of routine faculty business in pursuance of already established university policies and shall recommend to the board of trustees candidates for honorary degrees.
- (2) The university faculty may delegate any or all of its authority and responsibility to a university senate if such senate is established by rule and approved by the board.

- (C) Graduate faculty. There shall be established a graduate faculty with such membership and having such authority and responsibility as provided by rule promulgated by the university faculty or university senate and approved by the board.
- (D) College and department or school faculties. There shall be established college and department or school faculties with such membership and having such authority and responsibility as provided by rule promulgated by the university faculty or university senate and approved by the board.
- (E) Faculty responsibility to president. All members of the faculty shall be responsible to the chair of their department or to the director of their school and through the chair or director to the dean and the president for the faithful and efficient performance of their duties (see paragraph (D) of rule 3335-1-03 of the Administrative Code).
- (F) Faculty communication with president.
 - (1) The ordinary method of communication between a member of the faculty and the president shall be through the chair or director, the dean of the college, the appropriate member or members of the president's planning cabinet, and then to the president. For faculty members with the rank of professor this usual method of communication may be altered in an individual case.
 - (2) This rule shall in no way limit the president in communicating with members of the faculty.
- (G) Communication with the board of trustees. The ordinary method of communication between the employees of the university and the board of trustees shall be in writing and shall be presented through the president of the university as provided in paragraph (F) of this rule. This rule shall not be interpreted, however, as in any way limiting the right of communication between the employees of the university and the board, or as limiting the manner in which the trustees may gain information as to the work of the university. All business presented to the trustees in pursuance of this paragraph shall be in the hands of the president not later than two weeks prior to the day of the board meeting at which business is to be considered.
- (H) Appointment of faculty and staff. The board of trustees shall appoint the president, members of the faculty and all other employees of the university not in the classified civil service.
- (I) Appointments. Upon nomination and recommendation by the president of the university, the board of trustees shall make all appointments to all positions within the university and approve the salaries therefor. (B/T 6/7/2005, B/T 2/1/2006)

3335-1-05 University organization.

- (A) University organization.
 - (1) For the purpose of administering the various programs of the university, there shall be established educational and administrative units within the university. All units of the university shall be established, altered, or abolished only on vote of the board of trustees.
 - (2) Procedures for recommending the establishment, alteration and abolition of educational units shall be promulgated by the university faculty or the university senate and approved by the board of trustees. Procedures for recommending the establishment, alteration and abolition of administrative units shall be promulgated by the president and approved by the board of trustees.
- (B) Basic educational organization of the university. The basic organization of the educational units of the university shall be departments, divisions, schools, academic centers, colleges,

regional campuses, the graduate school, the federation of the colleges of the arts and sciences, and the agricultural technical institute.

- (C) Schools, departments, and divisions; defined and located. The unit of the university for instruction, research, and extension in a defined field of learning is the school, department, or division.
- (D) Schools, departments, and divisions; administration. There shall be a chair of each department or division and a director of each school, who shall be the administrative head, respectively of the department, division or school. Each chair and director shall be appointed for a term of four years and shall be eligible for reappointment. The manner of selecting a chair or director as well as the determination of his or her authorities and responsibilities shall be fixed by rules and regulations promulgated by the board of trustees.
- (E) Academic centers; defined. The unit of the university for research, instruction, or related service which crosses department, division, school, or college boundaries is the academic center.
- (F) Colleges and graduate school; establishment. For educational administration the university shall be organized into a graduate school and seventeen colleges. The following five colleges shall comprise the federation of the colleges of the arts and sciences: the college of the arts, the college of biological sciences, the college of humanities, the college of mathematical and physical sciences, and the college of social and behavioral sciences. The other twelve colleges are: the college of food, agricultural, and environmental sciences, the Max M. Fisher college of business, the college of dentistry, the college of education and human ecology, the college of engineering, the Michael E. Moritz college of law, the college of medicine, the college of nursing, the college of optometry, the college of pharmacy, the college of social work, and the college of veterinary medicine.
- (G) Graduate school; organization. The graduate school shall consist of: those members of the university faculty who are approved to give graduate instruction; a graduate faculty; the research and graduate council; and an administration composed of a curriculum committee, an executive committee, the dean, the secretary and such other administrative officers as are appointed pursuant to paragraph (H) of this rule.
- (H) Colleges and graduate school; administration.
 - (1) There shall be a dean of each college and of the graduate school who shall be a member of its faculty and the administrative head of the college or of the school. The major responsibility of each dean shall be that of providing active leadership in the promotion, direction and support of educational and research activities of the university, in the maintenance of a high level of morale among the faculty, and in the encouragement of the spirit of learning among the students. Further detailed duties of the deans of the colleges and of the graduate school shall be fixed by rules and regulations promulgated by the board of trustees.
 - (2) There shall be an executive dean of the colleges of the arts and sciences who is the administrative head of the colleges of the arts, biological sciences, humanities, mathematical and physical sciences, and social sciences. The major responsibilities of the executive dean are to select, in consultation with the provost, the search committees for the five college deans and advise the provost on the appointment of these deans; work with the provost on annual evaluations of the five deans; manage central services, report to the provost on behalf of the college deans; advise the provost regarding base budgets and rebasing allocations and, following review by the provost, distribute these funds to the five colleges; allocate common funds among the arts and sciences; and review budget management in the five colleges. The executive dean also administers curriculum approved by the faculty and is responsible for honors and scholars programs and for interdisciplinary centers and programs that involve more than one of the five colleges. The executive dean is a member of the council of

deans. Further detailed duties of the executive dean shall be fixed by rules and regulations promulgated by the board of trustees.

- (3) Each college, the graduate school, and the colleges of the arts and sciences shall have a secretary and may have such other administrative officers as are necessary to carry out the program of the college or of the school. These persons shall have such duties as are assigned to them by the dean of the college, or of the graduate school, or by the executive dean of the colleges of the arts and sciences.
- (I) Regional campuses. There shall be four regional campuses of the university located at Lima, Mansfield, Marion, and Newark, Ohio. The administrative head of each regional campus shall be a dean and director.
- (J) Agricultural technical institute. The unit of the university for instruction leading to the associate of applied science degree in the agricultural technologies is the agricultural technical institute (Wooster). Regarding matters of administration and operation, the agricultural technical institute shall function as a school in the college of food, agricultural, and environmental sciences. (B/T 6/7/2005, B/T 12/2/2005, B/T 7/7/2006)

3335-1-06 Instruction.

- (A) The university year. The university year shall be divided into four quarters of approximately twelve weeks each. For any college on a semester basis, the university year shall be divided into a summer session of approximately twelve weeks and two semesters of approximately eighteen weeks each. The summer quarter or session shall begin the university year and may be divided into two terms of approximately six weeks each.
- (B) Admission requirements. Admission requirements, including admission to advanced standing, for entrance into the university shall be adopted by the board of trustees upon recommendation of the appropriate faculty and the approval of the university senate or the university faculty.
- (C) Courses and curricula. The establishment, alteration and abolition of courses and curricula shall follow the procedures outlined by rule of the university faculty or university senate, as the rule is approved by the board of trustees, and shall be subject to review by the president and by the board (see section 3335.09 of the Revised Code).
- (D) Graduation requirements. The requirements for graduation from the university shall be adopted by the board of trustees upon recommendation of the appropriate faculty and approval of the university senate or the university faculty.
- (E) Degrees and certificates.
 - (1) Degrees and certificates shall be awarded by the board of trustees upon recommendation of the university senate or the university faculty, transmitted to the board by the president.
 - (2) All diplomas issued to those receiving degrees from the university shall be signed by the chair, the secretary of the board of trustees and by the president of the university.

3335-1-07 Student affairs.

- (A) Discipline.
 - (1) The president shall have the final responsibility and authority for the discipline of all students of the university. This responsibility and authority may be delegated by the president to the vice president for student affairs.
 - (2) The deans of the colleges and of the graduate school, the directors of schools, and the chairs of departments, respectively, are responsible to the president through regular

disciplinary channels for the discipline of all students in the activities of their respective colleges, schools and departments.

(B) Student activities.

- (1) All student activities shall be conducted by student organizations under rules and regulations promulgated by the vice president for student affairs.
- (2) Each student organization shall be required to have a faculty or staff adviser. The adviser shall maintain contact with the student organization of which he or she is an adviser to such degree as to be familiar with its program and personnel. The faculty or staff adviser shall advise the group on its program and personnel, having in mind not only the objectives of the particular group but the best interests of the university.

(C) Fraternities and sororities. Special rules and regulations governing fraternities and sororities may be promulgated by the vice president for student affairs, the university senate or the university faculty with the approval of the board of trustees.

3335-1-08 Miscellaneous.

(A) Budget.

- (1) The annual budget, as adopted by the board of trustees and as amended from time to time, shall govern all transactions involving the financial obligations of the university. The budget shall be comprised of classifications in accordance with the budget and financial reporting system adopted by the state of Ohio.
- (2) The president shall establish procedures for the disbursement and expenditure of all appropriated funds. These procedures may be amended from time to time but major changes shall have the prior approval of the board of trustees.

(B) Research endowment funds; income. Income from endowment funds specifically applicable to research shall, unless otherwise specified by the donor, be assigned and administered by the president of the university.

(C) Appearance before governmental offices, boards and agencies. Subject to specific control by the board of trustees, the preparation and presentation of requests for appropriations from the state of Ohio and all official dealings on behalf of the university with all federal, state and local government offices, boards and agencies shall be under the direction of the president of the university. Unauthorized appearances before federal, state or local government offices, boards and agencies are hereby prohibited.

(D) Drives and canvassing.

- (1) Canvassing or solicitation for funds, sales, or subscriptions are prohibited on the university campuses or in university buildings unless written permission therefor shall first have been granted by the office of the university registrar.
- (2) The sale of merchandise of any kind whatsoever or publications or services upon university property other than by the regularly authorized stores, restaurants, departments or divisions of the university, is likewise prohibited except upon written permission of the office of the university registrar.
- (3) Any persons violating paragraph (D) of this rule shall be subject, upon proper notice, to eviction from university property or arrest.

(E) Public use of university facilities. The use by the public of any university library, museum, laboratory, or any other university facility shall be governed by rules and regulations promulgated by the board of trustees.

- (F) Naming of university buildings. University buildings and structures shall be named by the board of trustees following recommendations submitted by the president and the appropriate faculty or other group. Buildings and structures shall not be named for any person who is an officer or employee of the university or the state of Ohio, but may be named for a person who has been retired or has otherwise left such a position for a minimum of three years.

3335-1-09 Bylaws, rules and regulations; their promulgation, amendment and repeal.

- (A) Statement of purpose. The foregoing bylaws are intended to provide a general framework for the functioning of the board of trustees as a governing body and for the organization, administration and operation of the Ohio state university. Detailed rules and regulations for the organization, administration and operation of the university may be promulgated, amended and repealed by the board of trustees upon its own initiative or upon the recommendation of the university faculty or the university senate.
- (B) Rules and regulations; promulgation, amendment and repeal.
 - (1) The university faculty (either directly or through the university senate) is authorized to recommend through the president to the board of trustees the adoption of detailed rules and regulations for the university faculty. If adopted, these rules shall be called "Rules of the University Faculty" and shall be amended or repealed under the procedures outlined in this rule.
 - (2) The university faculty (either directly or through the university senate) is also authorized to make recommendations through the president to the board of trustees concerning the promulgation, amendment or repeal of the other rules and regulations for the university.
- (C) Rules and regulations; vote by board of trustees. The rules and regulations for the university, including the "Rules of the University Faculty," may be adopted, amended or repealed by a majority vote of the board of trustees at any regular meeting of the board, the notice of which having specified that promulgation, amendment or repeal of the rules and regulations for the university is to be considered.
- (D) Bylaws; amendment and repeal. These bylaws may be amended or repealed by a majority vote of the board of trustees at any regular meeting of the board, the notice of which having specified that amendment or repeal of the bylaws is to be considered.
- (E) Bylaws; recommendations as to amendment or repeal. The university faculty or the university senate is authorized to make recommendations through the president to the board of trustees concerning the amendment or repeal of these bylaws.

Chapter 3335-3

RULES OF THE UNIVERSITY FACULTY

3335-3-18 Director of libraries.

- (A) The director of libraries shall be appointed by the board of trustees upon nomination of the president. Before making this nomination the president shall confer with the executive vice president and provost who, in turn, shall confer with representatives of the faculty of the university libraries and with the council on libraries and information technology.
- (B) The director of libraries shall have the responsibility and authority for administering the university libraries under the jurisdiction of that office and the university archives. In the discharge of library duties the director shall be guided by the policies established by the council on libraries and information technology (see rule 3335-5-48.2 of the Administrative Code). The director shall report to the president through the executive vice president and provost.
- (C) Without limiting the generality of the foregoing, the director shall evaluate continuously the administrative and operating practices of the university libraries under the jurisdiction of that office and the university archives, and lead in the study of methods in improving them; recommend appointments, promotions, and dismissals under the rules of the university; and prepare for the approval of the executive vice president and provost's annual recommendations for the budgets for personnel and for archives and library materials. (B/T 4/4/97, B/T 12/4/98, B/T 6/7/2005)

3335-3-19 University registrar.

Subject to the direction of the executive vice president and provost, the principal duties of the university registrar shall be the supervision of the details of registration, records, and scheduling which shall include: distribution of registration forms; distribution of approved schedules; fee assessments and adjustments; record of fee payments; maintenance of current quarter, semester, or session schedules; maintenance of home or permanent addresses, name and address of person(s) to be notified in case of emergency, local addresses and the respective telephone numbers of all currently enrolled students; the posting of quarters, semesters, and sessions of attendance; the posting of all courses and respective marks; recording of all probations and dismissals; recording of withdrawals; recording of all degrees earned and dates; recording of all past names and other demographic data; the distribution of the official student records to include the proper confidentiality safeguards; scheduling of classroom space, classes, and final examinations; offering placement testing, admission testing, test scoring services, a mechanism for student evaluation of teaching, and coordination of the credit by examination programs; other routine duties associated with the registration, records and scheduling of students; and special projects and duties that may be assigned from time to time by the executive vice president and provost. (B/T 7/12/91, B/T 4/4/97, B/T 12/4/98)

3335-3-20 Assistant vice president of undergraduate admissions and first year experience.

Subject to the direction of the executive vice president and provost, the principal duties of the assistant vice president of undergraduate admissions and first year experience shall be as follows:

- (A) Direct the administration of admission and financial aid policies duly established by the appropriate faculty bodies.
 - (1) Exceptions to such policies shall be made only in accordance with recommendations of the dean or the director of the college, school, or division involved.

- (2) A special student not seeking a degree must be approved for admission by the dean or the director of the college, school, or division concerned.
- (B) Receive, evaluate, and maintain all certificates and transcripts presented by or on behalf of applicants for admission to the university or for credit in any course. Receive, evaluate and maintain all student financial aid applications.
- (C) Issue all official notices of admission to applicants and certify the validity of transfer credits to the director of registration and records and to the secretary of the college, school, or division involved. Issue notices of financial aid to students.
- (D) Transfer students upon request from one college, school, or division in the university to another, but only in accordance with policies established by colleges, schools, or divisions involved.
- (E) Conduct the official correspondence of the university on all matters connected with the admission of students, and student financial aid.
- (F) Perform other routine duties associated with the admission process of students.
- (G) Administer all aspects of student financial aid, including scholarships, loans, grants, and work-study.
- (H) Engage in special projects or duties as may be assigned from time to time by the executive vice president and provost. (B/T 7/12/91, B/T 2/4/93, B/T 4/4/97, B/T 12/4/98)

3335-3-21 Director of athletics.

- (A) The director of athletics shall be responsible to the president and shall be appointed under the procedures outlined in paragraph (R) of rule 3335-1-03 of the Administrative Code. The athletic council (see rule 3335-5-48.5 of the Administrative Code) shall also be consulted.
- (B) Under policies established by the athletic council, the director of athletics shall administer the intercollegiate athletics program.
- (C) The athletic physical plant shall be under the concurrent jurisdiction of the department of athletics and the office of physical facilities. Athletic physical plant employees shall be under the jurisdiction of the department of athletics, which in consultation with the office of physical facilities shall be responsible for all normal maintenance and repairs. Major remodeling, renovation, construction, and other capital improvements shall be undertaken only with the prior approval of, and under the direction of, the office of physical facilities. (B/T 12/4/98, B/T 3/5/2003)

Presidential Committee

3335-3-22 Council of deans.

- (A) The executive vice president and provost, the deans of the colleges, the executive dean of the colleges of the arts and sciences, the senior vice president for business and finance and chief financial officer, the senior vice president for research, the dean of the graduate school, the deans and directors of the regional campuses, the vice provost for enrollment services and dean for undergraduate education, and the director of libraries shall comprise the council of deans of the university. The executive vice president and provost shall be chair of the council.
- (B) The council of deans shall meet on the call of the chair. The council of deans shall serve as an advisory council to the president. (B/T 10/5/73, B/T 2/2/79, B/T 4/3/81, B/T 7/9/82, B/T 3/2/84, B/T 12/5/86, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 10/1/99, B/T 5/7/2004, B/T 6/7/2005, B/T 2/1/2006)

Establishment and Organization of Regional Campuses,
Colleges, Schools, Departments, and Academic Centers

3335-3-25 Organization of the university.

- (A) For the purpose of administering the various programs of the university, there shall be established educational and administrative units within the university. All units of the university shall be established, altered, or abolished only on vote of the board of trustees.
- (B) Procedures for recommending the establishment, alteration and abolition of educational units shall be promulgated by the university faculty or the university senate and approved by the board of trustees (see rules 3335-3-37 and 3335-5-48.1 of the Administrative Code). Procedures recommending the establishment, alteration and abolition of administrative units shall be promulgated by the president and approved by the board of trustees.
- (C) The basic organization of the educational units of the university shall be as established in paragraph (B) of rule 3335-1-05 of the Administrative Code. (B/T 8/1/97, B/T 6/1/2001, B/T 6/7/2005)

3335-3-26 Establishment of colleges and graduate school.

For educational administration the university shall be organized into a graduate school and seventeen colleges, as established in paragraph (F) of rule 3335-1-05 of the Administrative Code. (B/T 8/1/97, B/T 5/4/2001, B/T 6/29/2001, B/T 6/7/2005, B/T 7/7/2006)

3335-3-26.1 Establishment of regional campuses.

- (A) There shall be four regional campuses of the university, as established in paragraph (I) of rule 3335-1-05 of the Administrative Code.
- (B) The four regional campuses shall be administered separately by their respective deans and directors. However, matters of common concern to the regional campuses shall be coordinated through a coordinating council of regional campus deans and directors. The executive dean for regional campuses, created in rule 3335-3-26.2 of the Administrative Code, shall serve as chair of the council. (B/T 2/1/80, B/T 12/5/86, B/T 5/3/96, B/T 6/7/2005)

3335-3-26.2 Executive dean for regional campuses.

- (A) There shall be an executive dean for regional campuses. The executive dean shall be appointed from among the four regional campus deans and directors by the executive vice president and provost in consultation with the president to serve a two-year term and shall be eligible for reappointment.
- (B) The executive dean for regional campuses shall report to the executive vice president and provost.
- (C) The executive dean for regional campuses shall serve as chair of the coordinating council of regional campus deans and directors (see rule 3335-3-26.1 of the Administrative Code).
- (D) The executive dean for regional campuses shall also be responsible for such other matters pertinent to the regional campus which may be designated by the executive vice president and provost. (B/T 12/5/86, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 6/7/2005)

3335-3-27 Organization of the graduate school.

The graduate school shall consist of those components established in paragraph (G) of rule 3335-1-05 of the Administrative Code. (B/T 6/7/2005)

3335-3-28 Organization of the colleges of the arts and sciences.

- (A) The colleges of the arts and sciences shall consist of: the five colleges so designated by paragraph (F) of rule 3335-1-05 of the Administrative Code and the faculty of the arts and sciences as created by rules 3335-5-26 to 3335-5-28 of the Administrative Code.
- (B) Student personnel services and student records for the colleges of the arts and sciences shall be administered by the colleges of the arts and sciences. (B/T 10/11/67, B/T 3/5/71, B/T 3/2/84, B/T 12/5/86, B/T 6/3/94)

Administration of Colleges, Regional Campuses,
and Graduate School

3335-3-29 Deans of the colleges.

- (A) There shall be a dean of each college who shall be a member of its faculty and the administrative head of the college. Each dean shall be appointed and reappointed by the board of trustees upon nomination of the president. Before making this nomination or recommendation for reappointment, the president shall confer with members of the faculty of the college for which the dean is to be appointed and shall give substantial weight to faculty recommendations in reaching a decision. The president shall also consider the recommendations of the chairs of the departments and the directors of the schools in that college.
- (B) The major responsibility of the dean of each college shall be that of providing active leadership in the promotion, direction and support of educational and research activities of the university, in the maintenance of a high level of morale among the faculty, and in the encouragement of the spirit of learning among the students. In addition the dean shall have general administrative responsibility for the program of the college, subject to the approval of the president and the board of trustees. These administrative responsibilities shall include the duty:
 - (1) To preside at meetings of the college faculty and to appoint all college committees unless their membership has been designated by faculty rule or by the college faculty.
 - (2) To approve courses of study for students in his or her college, to warn students who are delinquent in their studies and to recommend appropriate student disciplinary action to the appropriate university disciplinary body or official.
 - (3) To present candidates for degrees to the president on behalf of the college faculty and to serve as a member of the council of deans (see rule 3335-3-22 of the Administrative Code).
 - (4) After consultation with the chairs of the departments and the directors of the schools within the college to make recommendations to the executive vice president and provost concerning the college budget, the appointments to and promotions within the staff and the membership of the college faculty. All recommendations by the deans of the colleges of the health sciences will be made to the senior vice president for health sciences who will accomplish the appropriate coordination and make recommendations to the executive vice president and provost.
- (C) The dean is hereby given authority requisite to carrying out the responsibilities of his or her position. The dean may delegate any of his or her responsibility and authority to another

member of the faculty of the college. The dean shall be a voting member of the faculty of each department.

- (D) The usual method of communication between the dean and the president or the board of trustees shall be through the appropriate staff member, then to the president and through the president to the board of trustees. (B/T 4/4/97, B/T 2/6/98, B/T 12/4/98, B/T 9/1/99, B/T 12/2/2005)

3335-3-29.1 Dean and director of a regional campus.

- (A) There shall be a dean and director of each regional campus who shall be a member of its faculty and the administrative head of the regional campus. The dean and director shall be appointed by the board of trustees upon nomination of the executive vice president and provost in consultation with the president. Before making this nomination, the executive vice president and provost or designee shall confer with the regional campus faculty, the department or school in which the faculty appointment would be made, and shall consider the recommendations of the deans of the colleges with regular faculty assigned to that campus.
- (B) The major responsibility of each regional campus dean and director shall be that of providing active leadership in the promotion, direction, and support of educational activities and research opportunities, in the maintenance of a high level of morale among the faculty, and in the encouragement of the spirit of learning among the students. In addition the dean and director shall have administrative responsibility for the program of the regional campus subject to the approval of the executive vice president and provost or designee, the president, and the board of trustees. These administrative responsibilities shall include the duty:
 - (1) To preside at meetings of the faculty executive committee and to appoint members to regional campus committees unless the method of selection is determined by the Administrative Code or by the regional campus faculty.
 - (2) To develop in consultation with the faculty a pattern of administration for the regional campus following the principles set forth in paragraph (C)(2) of rule 3335-3-35 of the Administrative Code.
 - (3) To communicate to the regional campus community the educational programs, standards, and policies of the campus and the university.
 - (4) To establish the extent and variety of course offerings on the regional campus in consultation with the executive vice president and provost or designee, the appropriate college deans, department chairs or school directors, and the faculty of the regional campus.
 - (5) To consult with the appropriate college dean and department chair or school director and to jointly offer employment to prospective faculty members assigned to the campus.
 - (6) To assist the appropriate college deans, department chairs, and school directors in the annual review of all faculty assigned to the regional campus. This assistance shall include a written evaluation of the faculty member's teaching, research, and service activities on and for the regional campus. The regional campus dean and director shall be consulted when a regional campus faculty member is being considered for promotion and tenure and may suggest such candidates to the appropriate chairs and directors.
 - (7) To prepare and administer the regional campus budget in consultation with the regional campus faculty budget committee; to consult with the appropriate chair or director regarding faculty salary recommendations; to be responsible for the management,

maintenance, and security of the physical plant and capital equipment of the regional campus.

- (8) To maintain liaison with community councils and agencies and to garner support of regional campus programs and activities.
- (9) To develop, promote, and maintain educational, cultural, and service programs with approval of the appropriate university bodies and administrative officials. The dean and director shall review all such programs periodically.
- (10) Consult with the executive dean for regional campuses on matters of common concern to the regional campuses. (B/T 2/1/80, B/T 7/8/83, B/T 3/2/84, B/T 10/4/85, B/T 6/11/86, B/T 12/5/86, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 6/7/2005)

3335-3-30.1 Dean for undergraduate studies for arts and sciences.

- (A) There shall be a dean for undergraduate studies for arts and sciences who shall be a member of the faculty of the arts and sciences charged with implementing policies of the faculty as set forth in paragraphs (E) and (F) of this rule. The dean for undergraduate studies shall be appointed by the board of trustees upon nomination by the senior vice president and provost in consultation with the president. Before making this nomination, the senior vice president and provost shall confer with members of the faculty of the arts and sciences.
- (B) The dean for undergraduate studies for arts and sciences shall report to the executive dean for arts and sciences.
- (C) The dean for undergraduate studies for arts and sciences shall implement policies of the faculty of the arts and sciences with respect to the following:
 - (1) Curricula and requirements for "untagged" baccalaureate programs and development of new and useful programs in this area.
 - (2) Basic education requirements for all undergraduate students.
 - (3) The retention and further development of curricula assigned specifically for the general education of undergraduate students.
 - (4) A general honors program for the arts and sciences.
 - (5) Counseling and record services and attendant procedures.
 - (6) Coordination of student intercollege transfers involving the arts and sciences.
- (D) The dean for undergraduate studies for arts and sciences shall be responsible for the fulfillment and certification of the untagged degree requirements in the arts and sciences.
- (E) The dean for undergraduate studies for arts and sciences shall, in cooperation with the dean of university college, be responsible for the coordination of university college counseling and curricular development with that of the arts and sciences. Specifically, the dean for undergraduate studies shall keep university college informed of all changes in curricular requirements and other matters pertaining to academic counseling, and in this manner assist in achieving consistency of counseling in the university college with that in the arts and sciences.
- (F) The dean for undergraduate studies for arts and sciences shall be consulted by the deans of the individual colleges on personnel matters relating to faculty primarily engaged in undergraduate instruction.

- (G) With the approval of the faculty of the arts and sciences, or its designated representative body and the executive dean for the arts and sciences, the dean for undergraduate studies may appoint committees from the faculty of the arts and sciences to work with him or her in the implementation of those policy areas as outlined in paragraph (C) of this rule. Should there be established a curriculum committee of the faculty of the arts and sciences, the dean for undergraduate studies shall serve as its chair ex officio.
- (H) The dean for undergraduate studies for arts and sciences shall also be responsible for such other matters pertinent to the arts and sciences which may be designated by the executive dean for the arts and sciences. (B/T 12/5/86, B/T 11/2/90, B/T 6/3/94, B/T 5/3/96, B/T 4/4/97)

3335-3-31 Dean of the graduate school.

- (A) There shall be a dean of the graduate school who shall be the administrative head of the graduate school. The dean shall be appointed by the board of trustees upon nomination of the president. Before making a nomination, the president shall confer with the research and graduate council.
- (B) The dean of the graduate school shall have the same general responsibilities and authorities that pertain to the deans of the several colleges. The dean shall also preside at the meetings of the research and graduate council and of its executive committee, make recommendations to the council concerning all such matters as are of primary importance in the development of the graduate work of the university, and make recommendations to the executive vice president and provost concerning the budget of the graduate school to provide for the proper maintenance of the school and to assist in the development of graduate work and research programs.

The dean of the graduate school shall present candidates for graduate degrees to the president, serve as a member of the council of deans, and in general, be responsible for the progress of the educational policies and well-being of the school. The dean shall report to the appropriate member of the president's planning cabinet upon the condition and progress of the graduate school whenever called upon to do so.

- (C) Since the department or school is the unit of university organization for instruction and research in a definite field of learning, the departments or schools offering graduate work shall confer with the dean of the graduate school in all matters related to graduate work. In all matters pertaining to teaching load and adjustment of personnel, the dean of the graduate school shall consult with the dean of the appropriate college.
- (D) The dean is hereby granted all authority necessary to carry out the responsibilities of the dean of the graduate school.
- (E) The dean shall appoint all graduate school committees unless their membership has been designated by these faculty rules, the research and graduate council, or the graduate faculty.
- (F) Any of the responsibility and authority of the dean of the graduate school may be delegated to another member of the graduate faculty.
- (G) The usual method of communication between the dean of the graduate school and the president or the board of trustees shall be the same as for the deans of the colleges. (B/T 12/4/98)

3335-3-32 Associate and assistant deans or directors, coordinators, and other officials.

Each college, the federation of the colleges of the arts and sciences, the graduate school, and each regional campus may have associate and assistant deans or directors, coordinators, or such administrative officials as are needed to carry out the programs of each unit. These persons shall be appointed pursuant to the procedures outlined in rule 3335-5-02 of the Administrative Code and shall be responsible to the principal administrative official of the educational unit, and shall have such responsibilities and authorities as may be delegated to them from time to time by that official. (B/T 6/7/2005)

3335-3-33 Secretaries.

Each college and the graduate school shall have a secretary who shall be responsible for keeping the records of the college, including the minutes of all college or graduate school faculty meetings. The secretary shall be appointed pursuant to the procedures outlined in rule 3335-5-02 of the Administrative Code and shall have such additional responsibilities and authorities as may be delegated to him or her from time to time by the dean. An associate or assistant dean or other college or graduate school officer may also be designated as the secretary of the college or of the graduate school (see paragraph (D)(5) of rule 3335-3-34 of the Administrative Code, for secretary of a school).

3335-3-34 Schools, departments, divisions, and sections; defined and located.

- (A) The units of a college organization for instruction, research, and service are the school, department and division.
- (B) Each of these units should normally meet the following qualitative requirements: (A particular unit may not meet all the criteria, but the formation of a unit that does not should only be approved when circumstances dictate that approval is important to the academic development of the university.)
 - (1) A recognized, discrete area of academic concern not already included within the mission of another school, department or division;
 - (2) A proposed or existing academic program at both undergraduate and graduate or graduate professional levels;
 - (3) A source of faculty members prepared to offer academic work in the subject concerned;
 - (4) An academic subject that offers research and/or public service opportunities in addition to formal classroom teaching and has the potentiality for developing recognition by other scholarly groups;
 - (5) An academic field that has developed or is in the process of developing a student clientele either for the purpose of major programs or as an important "service" discipline to other major programs;
 - (6) The ability to assume primary fiscal responsibility.
- (C) Schools and departments shall meet the following quantitative requirements unless persuasive academic reasons demonstrate the need for exceptions:
 - (1) A minimum of ten faculty positions spread through at least the three academic ranks of assistant professor to professor.
 - (2) Student registration for at least one thousand credit hours per quarter.
- (D) A school is differentiated from a department as follows:

- (1) The undergraduate or graduate work offered by a school may lead to "tagged" degrees.
 - (2) Recipients of "tagged" degrees shall be recommended for such degrees by the faculty of the appropriate school.
 - (3) A school, with the exception of the graduate school, may be organized into departments, divisions, or sections.
 - (4) A school, with the exception of the graduate school, shall be responsible to a college for administrative purposes. Curricular proposals developed by the school shall be transmitted to the council on academic affairs for review and action after coordination with the college secretary and after fiscal approval of the dean has been secured.
 - (5) A school may establish its own admission and retention policies and requirements within the framework of university policies and may retain student personnel records for those students enrolled in degree programs under the control of the school. To facilitate the conduct of these activities, a school shall appoint a secretary, with the responsibilities outlined for a secretary of a college (see rule 3335-3-33 of the Administrative Code).
- (E) A "division" is an academic unit established within a college or a school to provide for a developing need in a circumscribed subject. The head of such unit shall be known as the chair of a division, shall have academic responsibility, and may be assigned fiscal responsibility by the respective dean of the college or director of the school. This unit shall be responsible for instruction, service, and research in a specific academic concern. Such units may be established in any field in which a new department is not feasible, but in which there is a possibility that growth in the subject may eventually lead to the status of a department. However, the determination to establish such a unit need not be based solely on the presumption that such a unit will attain this status. The status of these units shall be reviewed periodically by the council on academic affairs.
- (F) A "section" is an informal unit within a school, department, division, or academic center which is established to expedite the administration of a given academic subject. The function of a section shall be to assist the parent unit in the administration of the subject and to provide an organizational structure for relationship with professional organizations or other individuals with similar interests. The faculty member in charge shall be known as the section head. The head of the section is appointed by the administrator of the parent unit and has responsibilities delegated by the administrator of the parent unit. The formation of a section must be reported to the council on academic affairs.
- (G) Schools, departments, and divisions shall be located with respect to colleges as shown in the current catalog of "The Ohio State University Bulletin - Course Offerings."
- (H) The establishment or abolition of schools, departments, and divisions shall require approval by the council on academic affairs, the university senate, and the board of trustees (see rule 3335-3-37 of the Administrative Code. (B/T 4/2/71, B/T 3/2/84, B/T 5/3/96)

3335-3-35 Chairs of departments, directors of schools.

- (A) The chair of each department and the director of each school, shall be the administrative head, respectively, of the department or school. The department chair and the director of a school perform a dual function. In addition to being the administrative head of the department or school, the chair or director represents the faculty of the department or school in dealing with the dean or others in the university administration. Upon the nomination of the president, the board of trustees shall appoint each chair and director for a term of four years subject to the annual review provisions of paragraph (S) of rule 3335-1-

03 of the Administrative Code. A chair or director shall be eligible for reappointment. In selecting a chair or director, the president shall confer with the dean of the college involved. The dean, in turn, will consult with the faculty of the department or school on all campuses, as well as other appropriate university officials. The president shall give substantial weight to faculty recommendations in reaching a decision regarding a nomination or recommendation for reappointment. Department chairs and directors of schools report to the deans of their colleges.

(B) The president may remove a chair or director during a four-year term after consultation with the voting faculty and dean of the unit involved. The views of the faculty shall be given substantial weight in arriving at any decision to remove a chair or director from office.

(C) The duties of the chair of a department or the director of a school shall be as follows:

(1) To have general administrative responsibility for its program, subject to the approval of the dean of the college.

(2) To develop in consultation with the faculty a pattern of administration. This pattern of administration shall be made available to all present and prospective members of the faculty of the department or school, and a copy shall be deposited in the office of the dean of the college and in the office of the executive vice president and provost.

For purposes of defining minimum content, the following shall be included in the pattern of administration:

(a) A statement requiring the chair to provide a schedule of all regular faculty meetings (see rule 3335-5-18 of the Administrative Code) to all faculty members before the start of each quarter, semester, or session.

(b) A statement requiring the chair to maintain minutes of all faculty meetings and to maintain records of all other actions covered by the pattern of administration.

(c) A statement that the chair will consult with the faculty as a whole on all policy matters, and that such consideration will, whenever practicable, be undertaken at a meeting of the faculty as a whole.

(d) A statement recognizing in principle the presumption favoring majority faculty rule on all matters covered by the pattern of administration. This statement shall further provide that whenever majority faculty rule is not followed, the department or faculty chair, or school director, or dean and director of a regional campus, whichever is the case, shall explain the reasons for the departure to enhance communication and to facilitate understanding within the department. Where possible, this statement of reasons shall be provided before the departure occurs. This explanation shall outline the decision of the majority of the faculty, the decision of the department or faculty chair, or school director, or dean and director of the regional campus, whichever is the case, and the reasons the decisions differ. The explanation shall be communicated to the faculty in writing, where possible, or at a faculty meeting, with an opportunity provided for faculty to comment.

(e) A statement affirming that the faculty shall be consulted in the initiation and in the review and selection of new faculty members for appointment.

(f) A statement explaining how faculty duties and responsibilities in instruction, scholarship, and service are to be assigned and distributed equitably.

(3) To prepare, after consultation with the faculty and in accordance with the pattern of departmental administration, a statement setting forth the criteria and procedures according to which recommendations are made concerning appointments and/or dismissals, salary adjustments, promotions in rank, and matters affecting the tenure of

the faculty. This statement shall be made available to all present and prospective members of the department or school, and a copy shall be deposited in the office of the dean of the college and in the office of the executive vice president and provost. At the beginning of each four-year term of the chair of a department or the director of a school, the members of the department or school, the office of the dean of the college, and the office of the executive vice president and provost shall receive either a revision or reaffirmation of the original statement.

- (4) To operate the business of the department or school with efficiency and dispatch.
- (5) To plan with the members of the faculty and the dean of the college a progressive program.
- (6) To evaluate continuously the instructional and administrative processes and lead in the study of methods of improving them.
- (7) To evaluate faculty members periodically in accordance with criteria approved by the board of trustees and subject to instructions from the executive vice president and provost, and also according to such supplemental criteria as may be set up by the department or school.
- (8) To inform faculty members when they receive their annual review of their right to review their primary personnel file maintained by their tenure initiating unit and to place in that file a response to any evaluation, comment or other material contained in the file.
- (9) To recommend to the dean of the college, after consultation with the faculty in accordance with paragraph (C)(3) of this rule, appointments, promotions, dismissals, and matters affecting the tenure of members of the department or school faculty.
- (10) To encourage research and educational investigations.
- (11) To see that all faculty, regardless of their assigned location, are offered the departmental privileges and responsibilities appropriate to their rank; and in general to lead in maintaining a high level of morale.
- (12) To see that adequate supervision and training are given to those members of the faculty and staff who may profit by such assistance.
- (13) To prepare (after consultation with the professors, associate professors, and assistant professors with tenure) annual budget recommendations for the consideration of the dean of the college.
- (14) To promote improvement of instruction by providing for the evaluation of each course when offered, including written evaluation by students of the course and instructors, and periodic course review by the faculty. (B/T 3/10/66, B/T 5/6/77, B/T 2/1/80, B/T 4/1/83, B/T 6/11/86, B/T 10/2/87, B/T 11/2/90, B/T 3/12/93, B/T 5/3/96, B/T 4/4/97, B/T 2/6/98, B/T 12/4/98, B/T 6/7/2005)

3335-3-36 Academic centers.

- (A) An academic center is a non-degree granting educational unit of the university engaged in research, instruction, or related service which crosses department, division, school, or college boundaries. An academic center is defined by its mission and scope, not its title, and may be described as a center, institute, laboratory, or similar term. Use of "center" or "institute" in the names of proposed units of the university shall be limited to academic centers, unless approved by the council on academic affairs.

- (B) Academic centers shall be established or abolished by the board of trustees upon the recommendation of the university senate and the council on academic affairs. Faculties of existing educational units that would commit or receive resources shall be consulted in the creation or abolishment of an academic center. If the academic center has a research or graduate education component, the research and graduate council shall be consulted.

The office of academic affairs shall maintain a register of all academic centers and appropriate records concerning each one.

- (C) Reporting lines for academic centers shall be specified by the executive vice president and provost on the recommendation of the council on academic affairs and, where appropriate, the research and graduate council.

An academic center shall be administered by a director who shall be appointed by and report to the dean of the pertinent college or, where there is no single pertinent college, to a dean, governing board of deans, or vice president, as determined by the nature, purposes, and special circumstances of the academic center.

- (D) Each academic center shall have an oversight committee nominated by the person or board to whom the director reports and approved by the faculty of the center. The majority of the oversight committee shall consist of regular faculty from the academic units involved in the academic center. The director shall consult regularly with the oversight committee.
- (E) Although academic centers may not establish independent course offerings and degree programs, they may participate in cooperative programs involving course offerings and degree programs within existing academic units. With the approval of the council on academic affairs, the faculty of a school or college may delegate to an academic center the authority to offer courses or degree programs established under the auspices of that school or college. Proposals for any such courses or programs must be forwarded to the office of academic affairs with the signature approval of the appropriate school or college which must retain ultimate authority and responsibility for the courses or degree programs.
- (F) University faculty and staff may affiliate with an academic center under procedures approved by its oversight committee. Academic centers shall not serve as tenure initiating units.
- (G) The director of each academic center shall develop in conjunction with the oversight committee a pattern of administration for the center.

The director of each academic center shall submit an annual report to the oversight committee; to the dean, governing board of deans, or vice president to whom the director reports; and to the office of academic affairs, as part of the annual budget-review process of the university. The director shall consult with the oversight committee during preparation of the annual report.

- (H) Separate fiscal units shall be established and maintained only for authorized academic centers.
- (I) Every four years the office of academic affairs shall request from the director of an academic center, its oversight committee, and the dean, governing board of deans, or vice president to whom the director reports, recommendations concerning reporting lines, governance, performance and effectiveness, and the continuation of the academic center. (B/T 9/8/61, B/T/ 6/4/93, B/T 8/1/97, B/T 12/4/98, B/T 6/7/2005)

3335-3-37 Alteration or abolition of units.

- (A) Definitions.

(1) The term unit refers to departments, schools and colleges.

- (2) For purposes of this rule, the term alteration shall refer to the consolidation or reconfiguration of units. Consolidation shall refer to the combining of two or more units, with little or no additional change. Reconfiguration shall refer to the breaking apart of existing units and their academic programs and recombining the faculty and programs into new units.
 - (3) For the purposes of this rule, the term abolition shall refer to the complete elimination of a unit and the academic programs it provided.
 - (4) Alteration or abolition described herein may be initiated without a declaration of financial exigency.
- (B) Procedure for alteration or abolition of departments and schools.
- (1) A proposal to alter or abolish a unit may be initiated by any of the following:
 - (a) The dean of the college administratively responsible for the unit(s) for which alteration or abolition is proposed,
 - (b) The executive vice president and provost,
 - (c) The council on academic affairs, or
 - (d) Faculty from the affected unit(s).
 - (2) A proposal for alteration or abolition of a unit must include an analysis with the following elements. It shall be the responsibility of the party making the proposal to provide this analysis.
 - (a) A rationale for alteration or abolition of the unit which includes a history of the formation, activities and evaluation of the performance of the unit.
 - (b) An enumeration of all faculty affected by the alteration or abolition of the unit.
 - (c) A person-by-person analysis of the proposed reassignment or other accommodation of the faculty identified in paragraph (B)(2)(b) of this rule, including a statement of the impact on promotion and tenure. No tenured faculty member shall be involuntarily terminated as a result of this process. However, faculty may be transferred to another unit in accordance with paragraph (C)(2) of rule 3335-6-06 of the Administrative Code and with regard to the teaching, research, and service expertise of the individual.
 - (d) An analysis of the academic courses now taught by the unit and provisions for their reassignment to other units, if relevant.
 - (e) An analysis of the students affected by the proposal, including majors, non-majors, professional and graduate students.
 - (f) Specific proposals regarding support for currently enrolled students until degree completion.
 - (g) An analysis of the budgetary consequences to all relevant units as a consequence of the proposal.
 - (h) An analysis of the services lost to the rest of the university as a consequence of the proposal.

- (i) An analysis of impact on constituencies external to the university, including alumni.
 - (j) An analysis of the impact on governance at all relevant levels as a consequence of the proposal.
 - (k) An analysis of the impact upon diversity.
 - (l) An analysis of the impact on the academic freedom and responsibility of all affected faculty.
- (3) The proposal must be discussed with affected faculty, students, and staff, who may provide written and verbal feedback. The proposal may be modified by the proposal's initiator in response to feedback. Following a thorough consultative process with affected faculty, students, staff, and others as appropriate, the college faculty shall vote on the proposal. The proposal, along with the numerical vote of the college faculty, shall then be forwarded to the council on academic affairs.
- (4) The proposal will be judged by the assessment parameters developed by the council on academic affairs and published in its guidelines. The council on academic affairs will review the proposal and will also evaluate the consultation process. It will then return the proposal to the initiator for additional work if the proposal or the consultation has been judged inadequate, or approve the proposal and send it to the university senate for consideration, or disapprove the proposal, which ends the process.
- (5) If the council on academic affairs approves the proposal, a memorandum of understanding will be developed and signed by all relevant parties.
- (6) The university senate shall vote on the proposal. If it approves the proposal, the recommendation shall be forwarded to the president. A negative vote ends the process.
- (7) The president shall review the proposal. If in favor, the president will forward it to the board of trustees. If the board of trustees approves the proposal, then the executive vice president and provost will appoint an oversight committee to monitor the implementation of the process. The chair of faculty council or designee; the secretary of the faculty; one member of the committee on academic freedom and responsibility; and three members of faculty council shall be appointed to the oversight committee, the purpose of which is to safeguard the interests of affected faculty, students, and staff. Through the chair of faculty council, the oversight committee will periodically report to the university senate, review and assess outcomes, suggest changes where targets are not being met, and assure that the memorandum of understanding is upheld. The oversight committee will present a final report to the senate.
- (C) Procedure for alteration or abolition of colleges.
- (1) The council on academic affairs, the executive vice president and provost, the dean, or faculty from the affected unit may initiate a proposal to alter or abolish a college.
- (2) A proposal for alteration and abolition of a college must include an analysis with all of the elements outlined in paragraph (B)(2) of this rule. It shall be the responsibility of the party making the proposal to provide this analysis.
- (3) The council on academic affairs shall appoint an ad hoc committee to evaluate the proposal. The ad hoc committee shall have a majority of regular faculty. The charge to the ad hoc committee and the composition of that committee must be agreed upon by the council on academic affairs, the executive committee of faculty council, and the executive vice president and provost.

- (4) The ad hoc committee shall evaluate the proposal, which will include extensive consultation with affected faculty, students, and staff, and relevant parties external to the university.
- (5) The recommendation of the ad hoc committee will be forwarded to the council on academic affairs and the executive vice president and provost.
- (6) Prior to accepting or rejecting the ad hoc committee's recommendation, the council on academic affairs will consult with faculty council and the executive vice president and provost. The faculty council response, including its vote, and a letter of recommendation from the executive vice president and provost shall be considered by the council on academic affairs. The council on academic affairs will then either terminate the process or forward its positive recommendation to the university senate.
- (7) If the council on academic affairs approves the proposal, a memorandum of understanding will be developed and signed by all relevant parties.
- (8) The university senate shall vote on the proposal. If it approves the proposal, the recommendation shall be forwarded to the president. A negative vote ends the process.
- (9) The president shall review the proposal. If in favor, the president shall forward it to the board of trustees. If the board of trustees approves the proposal, then the executive vice president and provost will appoint an oversight committee to monitor the implementation of the process. The chair of faculty council or designee; the secretary of the faculty; one member of the committee on academic freedom and responsibility; and three members of faculty council shall be appointed to the oversight committee, the purpose of which is to safeguard the interests of affected faculty, students, and staff. Through the chair of faculty council, the oversight committee will periodically report to the university senate, review and assess outcomes, suggest changes where targets are not being met, and assure that the memorandum of understanding is upheld. The oversight committee will present a final report to the senate. (B/T 6/1/2001, B/T 6/4/2004)

Chapter 3335-5

THE OHIO STATE UNIVERSITY RULES OF THE UNIVERSITY FACULTY FACULTY, GOVERNANCE, AND COMMITTEES

General Matters

3335-5-01 Academic freedom and responsibility.

- (A) The Ohio state university endorses full academic freedom as essential to attain the goal of the free search for truth and its free exposition. Academic freedom and academic responsibility are twin guardians of the integrity of institutions of higher learning. This integrity is essential to the preservation of a free society and explains the willingness of society historically to accept the concept of academic freedom and, in addition, to protect it through the institution of academic tenure.
- (B) The principal elements of academic freedom include the freedom of teachers to:
 - (1) Teach, conduct research, and publish research findings;
 - (2) Discuss in classrooms, in their own manner, any material that is relevant to the subject matter as defined in the course syllabus;
 - (3) Exercise their constitutional rights as citizens without institutional censorship or discipline;
 - (4) Seek changes in academic and institutional policies through lawful and peaceful means.
- (C) Academic freedom carries with it correlative academic responsibilities. The principal elements include the responsibility of teachers to:
 - (1) Meet their defined teaching, research, and service obligations;
 - (2) Pursue excellence, intellectual honesty, and objectivity in teaching, in conducting research, and in publishing research findings;
 - (3) Encourage students and colleagues to engage in free discussion and inquiry;
 - (4) Evaluate student and colleague performance on a scholarly basis;
 - (5) Refrain from persistently introducing matters that have no bearing on the subject matter of the course;
 - (6) Work with appropriate individuals and bodies to provide optimal conditions conducive to the attainment of the free search for truth and its free exposition;
 - (7) Differentiate carefully between official activities as teachers and personal activities as citizens, and to act accordingly. (B/T 9/14/65, B/T 5/2/75, B/T 3/1/85)

3335-5-02 Appointments and continuing employment; conditions upon.

- (A) Upon nomination and recommendation by the president of the university, the board of trustees shall make all appointments to all positions within the university and approve the salaries therefor.
- (B) In defense of the freedom of those who teach and those who learn, and of the governmental system upon which such freedom is dependent, the conditions hereinafter set forth shall govern all initial appointments and continuing employment by the university.

- (C) It shall be sufficient cause for the removal of any officer, teacher or employee of the university, pursuant to the procedures set forth in rule 3335-5-04 of the Administrative Code, that such officer, employee, or teacher advocate, or have membership in an organization which is generally known to advocate the overthrow of the government of the United States, or of the state of Ohio, by force, violence or other unlawful means. (Reference is made to the provisions of section 124.36 of the Revised Code.)

3335-5-02.1 Financial exigency.

- (A) Definition. "Financial exigency" is an imminent financial crisis which seriously jeopardizes the ability of the university as a whole to survive as an institution of excellence in teaching, research, and public service. Projections of enrollment, of instructional subsidies, and of other sources of revenues must demonstrate that the shortage of funds will be both severe and persistent and cannot be alleviated by temporary or voluntary measures, as specified in paragraph (B)(2) of this rule.
- (B) Mechanism of determination.
- (1) In the event of an imminent financial crisis, as announced and defined by the president to the university senate, the president will solicit the recommendations of the fiscal committee, as provided for under rule 3335-5-48.11 of the Administrative Code, to ascertain whether a determination of financial exigency is warranted.
 - (2) The fiscal committee, acting in accordance with rule 3335-5-48.11 of the Administrative Code, shall have the responsibility to:
 - (a) Review the budgetary documentation of the crisis, having full access to that documentation.
 - (b) Assess whether the crisis would reduce the quality of the academic programs of the university as a whole to an unacceptable degree and would render the university unable to meet its obligations to the public.
 - (c) Ascertain the extent to which consolidation or elimination of some administrative offices and services or reductions in operating and equipment budgets would alleviate the crisis.
 - (d) Ascertain the extent to which voluntary retrenchment mechanisms, including early retirement or resignation or other economic incentive plans, would alleviate the crisis.
 - (e) Make a recommendation based upon the above considerations of the need for a determination of financial exigency.
 - (f) Report the results of its deliberations to the university senate.
 - (g) Monitor the financial condition of the university during a state of financial exigency.
 - (3) Upon receipt of the report of the fiscal committee, the university senate shall make its recommendations as to whether there should be a determination of financial exigency.
 - (4) Upon receipt of the recommendations of the fiscal committee and the university senate, the president will notify the university community and the university senate of the administration's analysis and proposed response to the financial situation, allowing an opportunity to respond to questions and to solicit advice and opinions.
 - (5) In the event that the recommendations of the university senate and the president differ substantially on recommending determination of financial exigency to the board of trustees, recommendations of both shall be forwarded to the board, which has final

responsibility for the determination of financial exigency. No further establishment of financial exigency will be required for one year at which time the full procedures must be invoked again.

(C) Review of administration proposals for alleviating financial exigency.

- (1) Upon determination of a state of financial exigency and upon receipt from the executive vice president and provost of proposals, prepared in consultation with the college faculties, for curtailment of academic programs to alleviate financial exigency, the council on academic affairs shall review the proposals.
- (2) For the purpose of this review, the council is to be an advisory committee to the president and is to report the results of its review both to the president and to the university senate.
- (3) For this review, the council shall be chaired by a faculty member of the council. If neither the chair nor the vice chair of the council is a faculty member of the council, then a faculty member of the council shall be elected to act as chair of the council for the review of these proposals and for the submission of results to the president and to the university senate.
- (4) In the conduct of its review, the council is authorized to:
 - (a) Obtain explanations of the proposals or provisions thereof;
 - (b) Request or initiate changes in the proposals and seek concurrence of appropriate administrators. In the event of non-concurrence, the council will note any points of disagreement.
- (5) All proposals are to be reviewed both individually and as a coordinated set.
- (6) In the review, the council shall:
 - (a) Consider alternatives to those proposals which would result in involuntary termination of tenured faculty members or regular faculty members in the probationary period;
 - (b) Determine that the proposals are consistent with established educational and academic policies of the university;
 - (c) Determine that there has been appropriate consultation with administrators, faculty, and students in the preparation of the proposals;
 - (d) Determine the extent to which the proposals affect the affirmative action commitment of the university;
 - (e) Determine that the proposals consider the effect upon students whose faculty advisers are reassigned or terminated and students whose field of study would be eliminated;
 - (f) Determine that the reassignment, economic incentive, and retraining provisions under rule 3335-5-02.2 of the Administrative Code have been considered;
 - (g) Determine that the proposals take into account the quality of relevant programs.
- (7) The council shall conduct a hearing or hearings at which appropriate administrators, faculty members, and students are invited to testify.
- (8) Within sixty days of the receipt of the proposals or such time as the president may designate, the council shall submit its report to the president and the university senate.

- (D) Ending a state of financial exigency. A state of financial exigency ends one year after determination, unless ended sooner by the board of trustees. (B/T 10/1/82, B/T 5/1/86, B/T 11/2/90, B/T 5/3/96, B/T 6/6/97, B/T 12/4/98)

3335-5-02.2 Treatment of tenured faculty members during financial exigency.

(A) Definitions and construction.

(1) "Academic program" or "program" means:

- (a) A college, school, department, division, or instructional unit headed by an academic administrator;
- (b) A research or service unit (which may or may not educate students) headed by an academic administrator;
- (c) A coherent set of courses, or program of study, which leads to an academic degree; or
- (d) A coherent set of courses, or program of study, which does not lead to an academic degree but which serves to educate or train students (e.g., a professional certification program or a remedial program).

(2) "Curtailed" means reduced or eliminated, while "preserved" means not eliminated.

(3) "Tenured faculty member" means a regular tenured member of the faculty.

(4) "Tenure initiating unit" (TIU) means the specific academic unit responsible for making the initial recommendation on a regular faculty member's tenure status as recorded on the university tenure audit list available at the office of academic affairs. For purposes of this definition, the university tenure audit list of March 12, 1982, shall be retained, except as subsequently modified in accord with paragraph (C) of rule 3335-5-14 of the Administrative Code.

(B) Involuntary termination of tenured faculty.

(1) Hiring of faculty during financial exigency. The university shall not appoint new faculty while terminating tenured faculty appointments because of financial exigency unless a serious distortion in academic programs would otherwise result.

(2) Preservation of tenure initiating unit. A tenured faculty member whose TIU is preserved shall not be involuntarily terminated because of the curtailment of academic programs to which the faculty member is assigned.

(3) Administrative restructuring of tenure initiating unit. A tenured faculty member whose TIU is restructured by an administrative reorganization (e.g., by consolidation or merger with other TIU's, or by dispersal into several TIU's) shall not be involuntarily terminated for that reason. The faculty member shall be transferred to the appropriate reorganized TIU in accordance with the provisions of paragraph (C)(4) of this rule.

(4) Reinstitution of tenure initiating unit. If an eliminated TIU is substantively reinstituted or established within a remaining TIU within three years, the university shall offer to reappoint all terminated tenured faculty members at their previous ranks.

(5) Elimination of tenure initiating unit. A tenured faculty member whose TIU is scheduled for elimination shall not be involuntarily terminated for that reason until the reassignment provision of paragraph (C) of this rule and the economic incentives of paragraph (D) of this rule have been offered to all eligible faculty members in the TIU.

- (6) Notice of termination. A termination of appointment because of the elimination of a tenure initiating unit shall become effective no sooner than June thirty of the first full academic year following the academic year in which the appointment is terminated.
 - (7) Eligibility for termination compensation. A tenured faculty member who has been involuntarily terminated because of the elimination of his or her tenure initiating unit shall be entitled to accrued benefits and such compensation as authorized by the board of trustees.
- (C) Reassignment of tenured faculty members.
- (1) Change of tenure initiating unit. If a tenured faculty member's TIU is scheduled for elimination, then the university shall offer to transfer the faculty member to any suitable authorized position in the remaining TIU's provided that a simple majority of all tenured faculty in a TIU are willing to accept the faculty member. The evaluation of the professional qualifications of the faculty member shall be made by the faculty in the new TIU, based on considerations of the faculty member's potential contributions to the needs of the program according to the prevailing standards of the new TIU.
 - (2) Reassignment to new position. A tenured faculty member whose tenure initiating unit is scheduled for elimination shall not be reassigned to another position unless that reassignment includes a change of TIU and retention of tenure. This requirement shall not preclude the possibility of employing in a non-faculty position a faculty member who has lost tenure because of resignation or involuntary termination. A faculty member shall not be obligated to accept an offer of reassignment.
 - (3) Eligibility for economic incentives. A tenured faculty member who accepts an offer of reassignment according to the provisions of paragraphs (C)(1) and (C)(2) of this rule and who voluntarily resigns from the reassigned position within six months, shall be entitled to any of the economic provisions of paragraph (D) of this rule that were applicable at the time of reassignment.
 - (4) Rate of compensation. Reassignment of a tenured faculty member to a different tenure initiating unit shall not be at a reduced rate of compensation. If reassignment necessitates a change of compensation base (e.g., conversion between nine-month and eleven-month appointments), then the change shall be calculated according to standard university accounting procedures.
 - (5) Displacement of other employees. A tenured faculty member who is reassigned to a new tenure initiating unit shall not displace an incumbent in an existing position (e.g., a tenured faculty member in a program which is curtailed shall not be assigned to a position in another TIU held by an untenured faculty member, or to a position held by an administrative and professional employee).
 - (6) Retraining of faculty. Where reassignment of a tenured faculty member according to the provisions of paragraphs (B)(1), (C)(1), or (C)(2) of this rule would be facilitated by or contingent upon a period of retraining, the faculty member shall be eligible for a reassignment training leave.
- (D) Economic incentives and retraining programs.
- (1) Early retirement program. The university shall invoke the provisions of the Ohio state university early retirement program to facilitate the voluntary reduction of tenured faculty members in a curtailed academic program.
 - (2) Reassignment training leave program. The university shall invoke the provisions of a reassignment training leave program to facilitate reassignment of tenured faculty members to other programs or tenure initiating units.

- (3) Other programs. The university shall invoke any other feasible methods to reduce by voluntary means the number of tenured faculty members in a curtailed academic program. Such methods could include a voluntary resignation program (e.g., a "buy-out" plan), among other possibilities. (B/T 10/1/82, B/T 4/3/96)

3335-5-02.3 Appeal procedures for tenured faculty because of termination of appointments during financial exigency.

(A) Scope and construction.

- (1) A tenured faculty member who has received a notice of termination because of financial exigency shall have the right to a hearing before a faculty hearing panel.
- (2) The responsibility for presenting the formal appeal and for responding to the hearing panel's requirements at all stages rests with the faculty member bringing the complaint ("the complainant").
- (3) The determination of financial exigency or the decision to eliminate a tenure initiating unit shall not constitute grounds for an appeal.
- (4) An appeal may be made only on the basis of a complaint over the interpretation or implementation of paragraphs (B) to (D) of rule 3335-5-02.2 of the Administrative Code. In considering complaints over implementation of the aforementioned rules, the hearing panel shall consider only whether those individuals making the decisions followed the appropriate procedures and considered the important evidence material to a fair determination.

(B) The faculty hearing committee.

- (1) Written notice of intention to appeal shall be given by the complainant within thirty days of the receipt of a termination notice. An additional thirty days will be allowed for the complainant to submit the formal appeal. The notice of intention to appeal and the formal appeal will be submitted to the executive vice president and provost and to the chair of the faculty hearing committee.
- (2) In response to each notice of intention to appeal, the faculty hearing committee shall select a hearing panel of tenured faculty members according to the provisions of rule 3335-5-48.10 of the Administrative Code. The hearing panel shall begin its review of the case not earlier than thirty days and no later than sixty days from receipt of the notice of intention to appeal, except by mutual consent of the complainant and the chair of the faculty hearing committee.
- (3) The hearing panel shall conduct an investigatory proceeding in accordance with the following provisions:
 - (a) The proceeding shall not be adversarial in nature. The proceeding shall be an investigation leading to a report on whether or not those individuals making the decision followed the appropriate procedures and considered the important evidence material to a fair determination.
 - (b) The complainant shall have the right to be present at any hearing before the panel where testimony is taken concerning the complainant's case and to bring an adviser. No formal transcript of the hearing need be made unless requested by the complainant.
 - (c) The complainant shall state the case in writing and shall have the opportunity to present the case in person to the hearing panel and to offer any evidence in support of the claim.

- (d) The person or persons responsible for the decision may be called upon by the hearing panel to demonstrate that the important and material evidence was considered.
- (4) At the conclusion of the hearing, the hearing panel shall either dismiss the complaint or support the complaint. In either case, the panel shall record its findings in writing, providing specific responses to each charge made by the complainant, summarizing the evidence and rationale which led the panel to its decision. These findings shall be reported to the administrative officer of the tenure initiating unit, to the dean of the college in which the complainant is a member, to the executive vice president and provost, and to the complainant.
- (5) The hearing panel shall recommend to the executive vice president and provost and to the president either that the complaint be dismissed or that corrective action be taken.
- (6) Within thirty days of the receipt of the panel's decision, the executive vice president and provost shall respond in writing to the hearing panel and to the complainant stating what action has been recommended and the reasons therefor.
- (7) All written documents and recorded testimony obtained by the hearing panel shall be made available to the complainant upon request.
- (C) The president.
 - (1) After receipt of the hearing panel's recommendations under paragraph (B)(5) of this rule, and the executive vice president and provost's recommendations under paragraph (B)(6) of this rule, the president shall review the matter and take whatever action is deemed appropriate.
 - (2) All decisions of the president under this procedure shall be provided in writing to the hearing panel, the executive vice president and provost, and the complainant. (B/T 10/1/82, B/T 6/7/84, B/T 5/1/86, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98)

3335-5-03 Appointment of faculty and staff; tenure.

- (A) The board of trustees shall appoint the president and all employees of the university not in the classified civil service, subject to the laws of the state of Ohio, and in the case of regular tenure-track faculty, to the rights and protection of tenure as provided for in these rules.
- (B) Tenure is a commitment by the university and may be earned by all individuals with regular tenure-track faculty status subject to successful completion of a probationary period. Regular tenure-track faculty status is defined in rule 3335-5-19 of the Administrative Code.
- (C) The protections of tenure and academic freedom extend to all levels of faculty responsibility within the university in accordance with rule 3335-5-01 of the Administrative Code and are not restricted to activities identified with specific instructional, research or public service programs.
- (D) Tenure is lost only by formal resignation, by voluntary reduction of appointment below fifty per cent of service to the university except in the case of an approved leave of absence, by retirement, by transfer to regular clinical, regular research, or auxiliary faculty status, or may be terminated by reason of proved incompetence or grave misconduct in accordance with rule 3335-5-04 of the Administrative Code, for causes set forth in rule 3335-5-02 of the Administrative Code, or under the conditions of bona fide financial exigency, as specified in rule 3335-5-02.1 of the Administrative Code.
- (E) Tenured members of the regular faculty who serve the university as administrators do not lose tenure by virtue of being administrators. (B/T 8/1/97, B/T 6/7/2005)

3335-5-04 Hearing procedures for complaints against regular tenure-track, regular clinical, regular research, and auxiliary faculty members.

(A) Definitions and construction.

- (1) This rule shall apply to all formal complaints against regular tenure-track, regular clinical, regular research, and auxiliary faculty members. Complaints may be filed under this rule against administrators who hold faculty appointments.
- (2) As appropriate, department chairs, deans, or the executive vice president and provost (hereinafter "provost") will attempt, through the use of informal consultation, to resolve complaints to their satisfaction and that of the complainant, and the faculty member against whom the complaint is made (hereinafter "respondent").
- (3) Financial fraud is defined as a deliberate act or deliberate failure to act that is contrary to law, rule or policy with intent to obtain unauthorized financial benefit from the university for oneself, one's family or one's business associates. Financial fraud includes, but is not limited to, misappropriation of university funds or property, authorizing or receiving compensation or reimbursement for goods not received or services not performed or hours not worked, or unauthorized alteration of financial records.
- (4) Department chairs, deans, or the provost shall not act in their administrative capacities in the consideration of any complaint naming them as respondent. If a complaint names a department chair or a dean as respondent, the provost shall appoint an equivalent rank administrator from another department or college to perform the responsibilities of the named official under this rule. If a complaint names the provost as respondent, the chair of the steering committee of the university senate shall perform the responsibilities of this official under this rule.
- (5) All records of proceedings under this rule shall be maintained in the office of academic affairs. Such records shall remain confidential to the extent permitted by law.
- (6) At the time of their initial appointment and when they receive their annual review, faculty members shall be given notice of their right to review their personnel file maintained by their tenure initiating unit (hereinafter "primary personnel file"). A member of the faculty may place in his or her primary personnel file a response to any evaluation, comment or other material contained in the file.
- (7) Documents related to the performance of a faculty member which are received by his or her tenure initiating unit prior to the filing of a complaint may not be introduced in proceedings under this rule unless they have been placed in the faculty member's primary personnel file, and the faculty member has been so informed, or copies have otherwise been provided to the faculty member.
- (8) The designation "department chair" in this rule includes division chair, school director, deans of colleges without departments, and regional campus deans and directors.
- (9) The term "day" as used in this rule means "calendar day." If the last day of a designated time period falls on a weekend or a day on which the university is closed, the time period shall expire at the close of business on the next succeeding business day.
- (10) If at any time the provost determines that a faculty member poses a clear and present danger to persons or property, the provost may temporarily and immediately reassign the faculty member or, in the event of allegations of nontrivial financial fraud, suspend the faculty member with pay pending completion of investigation of a complaint under this rule. The provost shall be responsible for assuring that a complaint is filed promptly.

- (11) Allegations of gross or serious incompetence shall be judged by a faculty member's failure to meet obligations with respect to teaching, service, and research.
- (12) Allegations of grave misconduct shall be judged on the basis of acts or omissions which seriously impair a faculty member's effectiveness in meeting teaching, research, and service obligations.
- (13) Respondents shall be given written notice of decisions required by this rule. Any notice shall be sent by certified mail, and a copy shall be sent by regular mail. The time period for any action to be taken after delivery of the notice shall begin to run on the date on which the notice is mailed.
- (14) Complainants shall be given written notice of decisions of the department chair and the dean, and the final disposition of the case. Any notice shall be sent by certified mail, and a copy shall be sent by regular mail.

(B) Initial proceedings.

- (1) A complaint may be filed by any member of the faculty, students, post doctoral fellows, and post-professional fellows. In addition, complaints alleging any form of discrimination or sexual harassment may be filed by any university employee.
- (2) The complaint shall be set forth in writing. A copy shall be furnished to the respondent by the administrator with whom the complaint is filed.
- (3) A complaint shall state facts to support an allegation that a faculty member has failed to meet his or her teaching, service, or research obligations, has committed acts or omissions which otherwise impair his or her effectiveness in meeting these obligations, has committed financial fraud or has otherwise violated university rules.
- (4) Only allegations stated in the complaint shall be considered at the various stages of deliberation.
- (5) A complaint may be filed with a department chair, a dean, the provost or the president. If a complaint is filed with the dean, provost, or president, it shall be immediately referred to the appropriate department chair for initial review. A complaint against a faculty member in a college without departments shall be referred directly to the dean of the college. If a complaint is filed against a regional campus faculty member, the regional campus dean shall serve jointly with the department chair in the initial review. The regional campus dean and the department chair must agree that there is probable cause for the case to go forward.

(C) Review by the department chair.

- (1) The department chair shall review the allegations in the complaint and discuss the matter with the complainant and with the respondent.
- (2) If the chair determines that there is probable cause to believe that the allegations are true and that it is not appropriate to reach an informal resolution, the chair shall refer the matter to the dean.
- (3) If the chair determines that there is not probable cause to believe that the allegations are true, the chair shall dismiss the complaint. In this event, the complainant may appeal the dismissal to the dean. The appeal must be in writing and must be filed with the dean within twenty-one days after the notice of the chair's decision was mailed. In the event of an allegation of financial fraud, the chair shall refer the matter to the dean.
- (4) The chair shall make every effort to complete the review in fourteen days.

(D) Review by the dean.

- (1) Upon receipt of an appeal or a referral of a complaint from a department chair, the dean shall review the allegations in the complaint and discuss the matter with the complainant and the respondent.
- (2) If the dean determines that there is probable cause to believe that the allegations are true and that it is not appropriate to reach an informal resolution, the dean shall refer the matter to the college investigation committee.
- (3) If the dean determines that there is not probable cause to believe that the allegations are true, the dean shall dismiss the complaint. The proceedings shall terminate at this point except in cases involving faculty members in colleges without departments or in the event of an allegation of financial fraud. In the case of colleges without departments, the complainant may appeal a dismissal by the dean to the college investigation committee. The appeal must be in writing and must be filed with the dean within twenty-one days after the dean's decision was mailed to the complainant. Upon receipt of an appeal the dean shall immediately forward the appeal to the college investigation committee, which shall proceed in accordance with paragraph (E) of this rule. In the case of an allegation of financial fraud, the matter shall be forwarded to the college investigation committee.
- (4) The dean shall make every effort to complete the review in fourteen days.

(E) The college investigation committee.

- (1) Each college shall establish a procedure for the creation of a standing college investigation committee, which shall consist of tenured faculty members. A college may include on its college investigation committee tenured faculty members from other colleges.
- (2) Upon receipt of a referral of a complaint from the dean, the college investigation committee shall meet with the complainant and the respondent and shall review any documentary evidence provided by these parties. The respondent shall be given copies of any documentary evidence provided to the committee by the complainant. The committee may also obtain relevant information from other persons, but shall protect the confidentiality of the proceedings. At the conclusion of its investigation, the committee shall deliver to the dean its findings, a recommendation concerning the merits of the complaint and, if the complaint is judged to have merit, a proposed sanction. Findings of the committee shall be based on clear and convincing evidence.
- (3) Any proposed sanctions shall be commensurate with the nature of the complaint. Sanctions of a continuing nature must include time limitations and an annual review. Sanctions include but are not limited to:
 - (a) Verbal reprimand;
 - (b) Written reprimand;
 - (c) Mandatory counseling or other rehabilitation;
 - (d) Reimbursement for damages to or destruction of university property, or for misuse or misappropriation of university property, services or funds;
 - (e) Reassignment of duties or other restrictions on duties or privileges;
 - (f) Restriction of access to university property or services, the abuse of which led to the complaint;
 - (g) Reduction of salary base not to exceed thirty-three percent for one-year;

- (h) Reduction of twelve-month appointment to nine-month appointment;
 - (i) Combination of above sanctions;
 - (j) Dismissal of non-tenured faculty; and
 - (k) Dismissal of tenured faculty.
 - (4) The committee may recommend termination of employment of tenured faculty members only in demonstrated cases of gross or serious incompetence or grave misconduct or nontrivial financial fraud.
 - (5) The committee shall make every effort to complete its investigation and submit its report within forty-five days.
- (F) Decision by the dean.
- (1) After reviewing the report and recommendation of the college investigation committee, the dean may:
 - (a) Dismiss the complaint;
 - (b) Uphold the committee's recommendation and proposed sanction;
 - (c) Uphold the committee's recommendation with what would reasonably be interpreted as an equivalent or lesser sanction.
 - (2) If the college investigation committee has recommended a sanction other than termination of employment, the dean may not increase the sanction to termination of employment except in the case of nontrivial financial fraud
 - (3) The dean shall make a decision in thirty days.
 - (4) If the dean dismisses the complaint, the proceedings shall be terminated and the matter closed. In cases of nontrivial financial fraud, the dean shall refer the matter to the provost.
 - (5) The respondent may appeal any decision or sanction to the provost.
 - (6) An appeal by the respondent must be in writing and must be filed with the provost within twenty-one days after notice of the dean's decision was mailed.
- (G) Review of appeals by the provost.
- (1) After reviewing the record of a case appealed by a respondent or referred by the dean, the provost may:
 - (a) Dismiss the complaint;
 - (b) Uphold the dean's decision and proposed sanction;
 - (c) Uphold the dean's decision with what would reasonably be interpreted as an equivalent or lesser sanction.
 - (d) In the case of nontrivial financial fraud, increase the sanction.
 - (e) In the case of nontrivial financial fraud, reverse the dean's decision and impose a sanction.

- (2) The provost shall make every effort to reach a decision within fourteen days.
 - (3) If the provost upholds the dean's decision and proposed termination of employment, or if the provost modifies a sanction that is less than termination, the respondent may appeal to the faculty hearing committee. In all other cases, the provost's decision shall be final.
 - (4) An appeal by the respondent must be in writing and must be filed with the faculty hearing committee within twenty-one days after notice of the provost's decision was mailed.
- (H) The faculty hearing committee.
- (1) Within thirty days of receipt of an appeal from a respondent the faculty hearing committee which is established by rule 3335-5-48.10 of the Administrative Code, shall convene a hearing panel to consider the complaint. The respondent and the provost or designee may each make one peremptory challenge to the seating of one person on the hearing panel and one peremptory challenge to the selection of a presiding officer.
 - (2) The hearing panel may restrict the attendance of persons at the proceedings. However, the respondent and the provost shall have the right to have one observer of their choosing present at all times.
 - (3) Respondents shall have the right to be represented by legal counsel or any other person of their choice, to examine the witnesses and evidence against them, to present witnesses and evidence on their own behalf, and to refuse to testify or be questioned in the proceedings without prejudice to their cause.
 - (4) The provost, or designee, shall present the case to the hearing panel. In presenting the case, the provost may be advised by the general counsel.
 - (5) The hearing panel shall receive testimony and other evidence as it deems to be material and relevant to the issues before it.
 - (6) An electronic recording shall be kept of all proceedings.
 - (7) At the conclusion of the proceedings, the hearing panel shall make separate written findings of fact with respect to each substantive issue raised at the hearing and a recommendation as to a sanction, if any, to be imposed. Such findings of fact and recommendation, together with a record of the proceedings, shall be transmitted to the president of the university and to the respondent. Findings of the hearing panel shall be based on clear and convincing evidence.
 - (8) The hearing panel will not be bound by the findings of the college investigation committee.
 - (9) The hearing panel may recommend termination of employment of tenured faculty members only in demonstrated cases of gross or serious incompetence, grave misconduct or nontrivial financial fraud.
 - (10) The hearing panel shall make every effort to conclude the proceedings within sixty days.
- (I) The president.
- (1) Upon receipt of the written findings of fact and recommendation and a record of the proceedings from a hearing panel, the president shall review the matter. The president may:
 - (a) Dismiss the complaint;

- (b) Impose any sanction less than termination of employment whether or not it accords with the recommendation of the hearing panel;
 - (c) Recommend to the board of trustees termination of employment on such terms and conditions as the president may deem advisable;
 - (d) Remand the case to the hearing panel for reconsideration.
- (2) Any decision of the president shall be communicated in writing to the hearing panel and to the respondent.
- (J) Board of trustees.

The board of trustees, in reviewing and deciding upon a case in which termination of employment has been recommended, has the ultimate authority to take that action necessary to promote the best interest of the university and to protect the rights of the individual. In such cases, the board shall give the respondent an opportunity to present to it arguments in writing, or in person, or both. (B/T 4/4/97, B/T 12/4/98, B/T 2/4/2000, B/T 6/7/2005, B/T 7/8/2005)

3335-5-05 Procedures concerning faculty complaints about promotion, tenure and renewal decisions.

- (A) Definitions and construction.
 - (1) Complaints concerning promotion, tenure, or renewal decisions may be made to the committee on academic freedom and responsibility by tenured or probationary faculty.
 - (2) In all formal proceedings under this rule, the burden of going forward and the burden of establishing proof shall be on the complainant.
 - (3) "Improper evaluation," as used in this rule, shall mean:
 - (a) That a decision affecting the complainant was based upon an inadequate consideration of the pertinent facts by the individual(s) making the decision, or
 - (b) That such decision was based upon reasons or considerations that infringe a constitutional right of the complainant.
 - (4) In considering complaints alleging an improper evaluation under this rule, the review should consider only whether those individual(s) making the decision followed the appropriate procedures, considered the important evidence material to a fair determination, and acted in a responsible manner. When reviewing complaints, neither the committee on academic freedom and responsibility nor the faculty hearing panel shall substitute its judgment on the merits of the individual's performance for that of the academic unit.
 - (5) If a complaint is dismissed by either the committee on academic freedom and responsibility or a hearing panel pursuant to this rule, no appeal may be taken by the complainant.
 - (6) All records of the proceedings under this rule shall be kept in the office of the executive vice president and provost and shall not be open to public inspection without the written permission of the complainant and the executive vice president and provost.
- (B) The committee on academic freedom and responsibility.
 - (1) Complaints alleging improper evaluation shall be presented in writing to the faculty members of the committee on academic freedom and responsibility (hereinafter

"committee") and to the executive vice president and provost within thirty days (whenever practical) after a faculty member has been notified of the decision the faculty member wishes to challenge.

- (2) Upon receipt of a written complaint alleging improper evaluation, the committee shall have sixty days to review the complaint, and evidence relating to it (including evidence on behalf of the academic unit) to determine whether reasonable and adequate grounds exist for asserting improper evaluation.
- (3) By means of informal procedures, the committee shall review the complaint, and evidence relating to it (including evidence on behalf of the academic unit) to determine whether reasonable and adequate grounds exist for asserting improper evaluation.
- (4) If the committee determines that no reasonable and adequate grounds exist for asserting improper evaluation, it shall dismiss the complaint and forward all files on the matter to the executive vice president and provost.
- (5) If the committee determines that reasonable and adequate grounds may exist for asserting improper evaluation, it shall forward the complaint and all additional materials gathered during examination of the complaint to the faculty hearing committee and to the complainant, established pursuant to rule 3335-5-48.9 of the Administrative Code.
- (6) If the committee is unable to reach a decision in the allotted sixty days, the complaint shall be forwarded to the faculty hearing committee.

(C) The faculty hearing committee.

- (1) Upon receipt of a complaint alleging improper evaluation, the chair of the faculty hearing committee shall meet with the complainant to discuss the issues in the complaint and to inform the complainant about the procedures to be followed in the hearing.
- (2) The faculty hearing committee shall select a hearing panel according to the method provided in rule 3335-5-48.10 of the Administrative Code, to conduct proceedings in order to determine whether there is validity in the complaint.
- (3) Actions being challenged under this rule shall be responded to by the executive vice president and provost or designee.
- (4) In matters involving allegations under paragraph (A)(3)(b) of this rule, the hearing panel shall conduct its proceedings in a collegial manner in accordance with the following guidelines:
 - (a) The complaint shall be set forth in writing and a copy furnished to the party or parties that are alleged to have committed the infringement.
 - (b) The hearing panel may restrict the attendance of persons at the proceedings, provided that the complainant shall not be denied the right to have one observer of his or her choosing present at all times.
 - (c) Both complainant and respondent shall have the right to be accompanied and advised by any person of their choice, to present witnesses and evidence on their own behalf, and to examine witnesses and evidence.
 - (d) The hearing panel shall receive such testimony and other evidence as it deems to be material and relevant to the issues before it.
 - (e) An electronic recording shall be kept of all proceedings before a hearing panel.

- (5) In matters involving complaints under paragraph (A)(3)(a) of this rule, the hearing panel shall conduct an investigatory proceeding in accord with the following guidelines:
 - (a) The proceeding shall not be adversarial in nature. The proceeding is an investigation leading to a report on whether or not adequate consideration was accorded.
 - (b) The complainant should be given opportunity to address the hearing panel in writing and in person, and offer any evidence substantiating the claim.
 - (c) If the complainant appears before the hearing panel, the complainant may bring an advisor. No formal transcript of the proceedings need be kept.
 - (d) The hearing panel shall request an oral or written report on the procedures followed and the evidence considered in reaching the decision that led to the complaint. The person or group who makes the decision may be called upon to demonstrate that all important and material evidence was considered.
- (6) At the conclusion of a hearing, the hearing panel shall:
 - (a) Dismiss the complaint if it determines that there has been no improper evaluation.
 - (b) When it has found that an improper evaluation has been made, submit its findings to the dean of the college in which the complainant is a member and to the executive vice president and provost. The executive vice president and provost, in consultation with the hearing panel and the chair of the faculty hearing committee, shall take such steps as may be deemed necessary to assure a new, fair, and impartial evaluation. A copy of the hearing panel's findings shall also be sent to the president.
- (7) If a decision is remanded under paragraph (C)(6)(b) of this rule, it shall be reconsidered promptly. Within thirty days of the receipt of the hearing panel's decision, the executive vice president and provost shall respond in writing to the hearing panel and the president, stating what action has been taken and the reasons therefor.
- (8) All findings and recommendations of a hearing panel shall be made in writing and a copy shall be provided to the complainant.

(D) The president.

- (1) Upon receipt of a report under paragraph (C)(7) of this rule, the president shall review the matter and take whatever action the president deems appropriate.
- (2) All decisions of the president under this rule shall be provided in writing to the hearing panel and the complainant. (B/T 5/2/75, B/T 6/7/84, B/T 5/1/86, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 6/4/99, B/T 6/1/2001)

3335-5-06 Guest speakers.

It is the policy of the university to foster a spirit of free inquiry and to encourage the timely discussion of a broad range of issues, provided that the views expressed are stated openly and are subject to critical evaluation. Within our prevailing standards of decency and honesty, this policy shall be construed to mean that no topic or issue is too controversial for intelligent discussion on the campuses. Restraints on free inquiry should be held to that minimum which is consistent with preserving an organized society in which change is accomplished by peaceful, democratic means. To this end, registered student organizations, faculty, and others entitled to sponsor a meeting involving the use of university facilities (see rule 3335-13-03 of the Administrative Code) may invite guest speakers to the campuses. The sponsors must take reasonable steps necessary to ensure that the meeting is conducted in an orderly manner.

3335-5-07 Term of duty.

All members of the teaching staff on duty during a given quarter, semester, or session, are expected to report for duty and to be available for consultation and organization at least one day preceding the day designated in the calendar as the day for classes to begin. They are also expected to remain on duty through the convocation and examinations which conclude the work of the quarter, semester, or session.

3335-5-08 Absence from duty.

Absence of any member of the teaching staff from ordinary service in the university, for any cause other than sickness, must be with the knowledge and approval of his or her chair or director and of the dean of the college and, if for longer than ten days, with the approval of the executive vice president and provost. For faculty assigned to a regional campus, the dean and director of that campus and the coordinating dean for regional campuses must also be notified and approve the absence. Sick leave is granted on approval of the appropriate administrative official when notification is given as soon as practicable, presumably on the first day of absence. (B/T 4/4/97, B/T 12/4/98)

3335-5-09 Communication with the dean.

- (A) All members of the department shall have the right to transmit, through their chair or director, to the dean of their college, any communications bearing upon the work in which they are personally engaged, and the chair or director shall promptly transmit to the dean any communication so received. For faculty with the rank of professor, this usual method of communication may be altered in an individual case.
- (B) This rule shall in no way limit the dean in communicating with members of his or her faculty.

3335-5-09.1 Communication with the executive vice president and provost.

- (A) Each faculty member assigned to a regional campus shall have the right to transmit, through the dean and director, to the executive vice president and provost or designee, any communication bearing upon the work in which he or she is personally engaged, and the dean and director shall promptly transmit to the executive vice president and provost or designee any communication so received. For faculty with the rank of professor, this usual method of communication may be altered in an individual case.
- (B) This rule shall in no way limit the executive vice president and provost or designee in communicating with the regional campus faculty. (B/T 2/1/80, B/T 7/8/83, B/T 10/4/85, B/T 12/5/86, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98)

3335-5-10 Communication with the president.

The usual method of communication between a member of the faculty and the president shall be as described in paragraph (F) of rule 3335-1-04 of the Administrative Code. (B/T 6/7/2005)

3335-5-11 Communication with the board of trustees.

The ordinary method of communication between the employees of the university and the board of trustees shall be as described in paragraph (G) of rule 3335-1-04 of the Administrative Code. (B/T 6/7/2005)

3335-5-12 "Rules of the University Faculty"; incorporated in contracts.

These "Rules of the University Faculty" shall be incorporated by reference as a part of every contract or agreement for employment with the Ohio state university as though expressly incorporated in said contract or agreement.

College Faculties

3335-5-13 Membership.

Every member of the university faculty shall be a member of the college faculty or faculties to which he or she is assigned regardless of the location of his or her primary duty. In cases involving doubt as to the proper college to which the university faculty member is assigned, assignment will be made by the executive vice president and provost after obtaining the recommendation of the deans and/or dean and directors concerned. (B/T 4/4/97, B/T 12/4/98)

3335-5-14 Powers.

The several college faculties shall have, subject only to the separate powers of the faculty of a school (see rule 3335-3-34 of the Administrative Code) and of the faculty of the arts and sciences (see rule 3335-5-27 of the Administrative Code), the following general powers:

- (A) To adopt requirements for admission subject to the approval of the university senate and the board of trustees;
- (B) To adopt, alter or abolish courses and curricula subject to the approval of the council on academic affairs and the president and the board of trustees (see rules 3335-5-48.1 and 3335-8-02 of the Administrative Code);
- (C) To create and abolish schools, and departments of instruction within the college subject to approval of the council on academic affairs, the university senate, the president and the board of trustees (see rules 3335-3-25 to 3335-3-28, 3335-3-37, and 3335-5-48.1 of the Administrative Code);
- (D) To adopt and abolish academic degrees administered by them subject to approval of the council on academic affairs, the university senate, the president, and the board of trustees;
- (E) To recommend to the faculty membership of the university senate and the board of trustees, candidates for degrees. (B/T 6/4/2004)

3335-5-15 Executive committee.

Each college shall have the power to designate an executive committee to which it may delegate authority to transact the business of the college as provided by the rules or by the established precedents of the college. Unless otherwise provided by the college faculty, this committee shall receive and act upon student petitions relative to courses of study and reinstatement; shall certify to the college faculty at the end of each quarter, semester, or session, lists of students who have fulfilled the requirements for a degree, or for whom special recommendation is made; and shall bring before the college faculty any matter coming within its knowledge that needs the consideration or action of the college. The dean of the college shall act as chair of the committee.

3335-5-16 Meetings.

The college faculty shall meet upon call of the dean of the college or in accordance with rules established by the college.

Departmental or School Faculties

3335-5-17 Membership.

The department or school faculty shall comprise all members of the department or school who are members of the college faculty and such other members of the department or school as the chair or director may from time to time designate. The chair or director shall be chair of the department or school faculty (see rule 3335-3-35 of the Administrative Code). The faculty of the department or school on all campuses, shall make recommendations on educational policies to the faculty of the college. In addition, the faculty of the school shall have the several academic powers set forth

in rule 3335-3-34 of the Administrative Code. The president of the university and the dean of the college are members of the faculty of each department or school.

3335-5-18 Meetings.

The department or school faculty shall meet upon call of the chair or director or as prescribed in the unit's pattern of administration, but not less frequently than once each quarter, or semester, during the academic year.

Regional Campus Faculties

3335-5-18.1 Membership.

A regional campus faculty shall be comprised of those regular and full-time auxiliary faculty members rendering primary service on that campus, the dean and director of the campus, and the president of the university. (B/T 2/1/80)

3335-5-18.2 Meetings.

The regional campus faculty shall meet upon the call of the dean and director or in accordance with rules established by that regional campus faculty. (B/T 2/1/80)

Faculty

3335-5-19 Faculty.

As used in these rules the term "faculty" shall include persons appointed by the board of trustees with regular tenure-track, regular clinical, regular research, auxiliary, and emeritus faculty titles on full- or part-time appointments, with or without salary.

- (A) "Regular tenure-track faculty": persons with the titles of professor, associate professor, assistant professor, and instructor who serve on appointments totaling fifty per cent or more service to the university.
- (B) "Regular clinical faculty": Regular clinical faculty serve under fixed term contracts and are not eligible for tenure. Regular clinical faculty appointments are described in Chapter 3335-7 of the Administrative Code.
- (C) "Regular research faculty": Regular research faculty serve under fixed term contracts and are not eligible for tenure. Regular research faculty appointments are described in Chapter 3335-7 of the Administrative Code.
- (D) "Auxiliary faculty": persons with adjunct titles, clinical titles, visiting titles, and lecturer titles; also professors, associate professors, assistant professors, and instructors who serve on appointments totaling less than fifty per cent service to the university. Persons with regular faculty titles may not hold auxiliary titles. Persons holding auxiliary titles are not eligible for tenure, may not vote at any level of governance, and may not participate in promotion and tenure matters.
 - (1) The titles of adjunct professor, adjunct associate professor, adjunct assistant professor, and adjunct instructor shall be used to confer faculty status on individuals who have credentials comparable to regular faculty of equivalent rank, who provide significant, uncompensated service to the instructional and/or research programs of the university and who need a faculty title to perform that service. Significant service would include teaching the equivalent of one or more courses, advising graduate students or serving on graduate committees, and serving as a co-investigator on a research project. Such individuals may be either nonuniversity employees or university employees compensated on a noninstructional budget. Adjunct appointments are made for the period in which the uncompensated service is provided not to exceed one year; renewal is contingent upon continued significant contributions. Procedures for the

promotion of adjunct faculty members shall be the same as for promotion of regular faculty.

- (2) The titles of clinical professor, clinical associate professor, clinical assistant professor, and clinical instructor shall be used to confer faculty status on individuals who have credentials comparable to regular clinical faculty of equivalent rank and who either provide significant, uncompensated service for which a faculty title is needed or compensated service to the clinical instructional programs in the colleges of the health sciences. Clinical appointments are made for the period in which the service is provided not to exceed one year. Renewal of no-salary appointments is contingent upon continued significant contributions. Procedures for the promotion of clinical faculty members shall be the same as for promotion of regular clinical faculty.
 - (3) The titles of visiting professor, visiting associate professor, visiting assistant professor, and visiting instructor shall be used to confer faculty status on individuals who have credentials comparable to regular faculty of equivalent rank who spend a limited period of time on formal appointment and in residence at this institution for purposes of participating in the instructional and research programs of the university. A visiting appointment cannot exceed three continuous academic years of service.
 - (4) The titles of lecturer and senior lecturer shall be used for all compensated instructional appointments where other titles are not appropriate. Lecturers' responsibilities shall be limited to formal course instruction.
- (E) "Emeritus faculty": regular tenure-track, regular clinical faculty, or regular research faculty who, upon retirement, were recommended by the chair, the dean and the executive vice president and provost for emeritus status. Emeritus faculty may not vote at any level of governance and may not participate in promotion and tenure matters but may have such other privileges as individual academic units or the office of human resources may provide. (B/T 4/4/97, B/T 12/4/98, B/T 4/6/99, B/T 3/1/2002, B/T 7/12/2002, B/T 6/4/2004, B/T 6/4/2004)

3335-5-19.1 University faculty.

For purposes of the governance functions described in rules 3335-5-20 to 3335-5-25 of the Administrative Code, the term "university faculty" shall mean all regular tenure-track faculty, the president, members of the president's planning cabinet serving at the president's pleasure and designated as executive heads of offices, the deans of the colleges and of the graduate school, and the dean for undergraduate education. (B/T 3/3/78, B/T 2/6/87, B/T 11/2/90, B/T 5/3/96, B/T 12/4/98, B/T 5/4/2001, B/T 6/7/2005, B/T 2/1/2006)

3335-5-20 Presiding officer.

The president of the university shall be the presiding officer of the university faculty. In the president's absence the duties of the presiding officer shall be assigned to the executive vice president and provost. In the absence of both the president and the executive vice president and provost, the duties of the presiding officer shall be assigned by the president to the dean of one of the colleges, the dean for undergraduate education, or the senior vice president for research. (B/T 4/4/97, B/T 12/4/98, B/T 5/4/2001, B/T 5/7/2004, B/T 2/1/2006)

3335-5-21 Secretary of the university faculty.

- (A) The secretary of the university faculty shall be a tenured member of the regular faculty, appointed by the president from three nominees submitted by the executive committee of faculty council. The term of office shall be for three years. Prior service as secretary shall not preclude nomination to this office. During the term of office the secretary shall be reassigned for a minimum of fifty per cent time to the office of the faculty council during autumn, winter, spring and summer quarters. The secretary of the university faculty will be evaluated annually by the executive vice president and provost, the chair of the senate steering committee, and the chair of faculty council.

- (B) The responsibilities of the secretary of the university faculty shall be to:
- (1) Serve as an advocate of the collective interests of the university faculty on issues of campus-wide importance. In this capacity the secretary shall:
 - (a) Serve as a representative of the faculty at the faculty cabinet of the faculty council.
 - (b) Serve as a non-voting member of the senate.
 - (c) Serve as a non-voting member of faculty council.
 - (d) Work to increase faculty awareness of and participation in the university senate and other university-wide governance bodies.
 - (e) Keep the records of the meetings of the university faculty and furnish to the president for report to the board of trustees all matters passed by the university faculty requiring approval or action.
 - (f) The secretary of the faculty shall report annually to the faculty council and the university senate.
 - (2) Counsel and advise members of the faculty seeking information and clarification of university-wide policies that affect faculty, e.g., promotion and tenure, academic freedom, sexual harassment, paid external consulting, conflict of interest, workplace violence, and scholarly misconduct. The secretary of the faculty will not, however, serve as a mediator for individual faculty member complaints.
 - (a) Refer faculty to appropriate senate committees, offices, or dispute resolution mechanisms.
 - (b) Consult regularly with the office of academic affairs and the committee on academic freedom and responsibility and advise the office of academic affairs and the committee on academic freedom and responsibility on the adequacy of and needed improvements in the dispute resolution mechanisms available to faculty.
(B/T 4/7/2000, B/T 2/1/2002)

3335-5-22 Meetings.

- (A) Meetings of the university faculty shall be held as needed during the school year. These meetings shall be held on call of the president, either on the president's own motion or on request of the university senate or of the university faculty. The request of the university senate shall be by action taken at any meeting of the university senate. The request of the university faculty shall be by petition signed by members of the university faculty (see rule 3335-5-19.1 of the Administrative Code) in a number equal at least to ten per cent of the total membership of the university faculty. The president shall have a reasonable time to call the meeting after receiving the request.
- (B) For the purpose of this rule and rule 3335-5-23 of the Administrative Code, this total membership of the university faculty shall be determined as of the October first preceding the date on which the petition is filed.

3335-5-23 Quorum.

Thirty per cent of the total membership of the university faculty (see rule 3335-5-19.1 of the Administrative Code) shall constitute a quorum for the transaction of business.

3335-5-24 Vote.

Only members of the university faculty (see rule 3335-5-19.1 of the Administrative Code) shall be eligible to vote at a meeting of the university faculty.

3335-5-25 Order of business.

- (A) Except as otherwise provided by the university faculty, its meeting shall be conducted in accordance with the latest revision of "Robert's Rules of Order."
- (B) The order of business shall depend on the type of business to be transacted at the particular meeting. (B/T 6/7/2005)

Faculty of the Arts and Sciences

3335-5-26 Membership.

The faculty of the arts and sciences shall consist of all faculty members of the five colleges in the arts and sciences (see rule 3335-3-28 of the Administrative Code). (B/T 10/11/67, B/T 3/5/71)

3335-5-27 Powers.

The faculty of the arts and sciences shall have jurisdiction over:

- (A) All programs for the "untagged" bachelor's degrees, subject only to approval by the council on academic affairs and the university senate. Such degrees shall be awarded only upon the recommendation of the faculty of the arts and sciences.
- (B) The basic education requirements for all programs in the colleges of the arts and sciences, and joint responsibility for planning the basic education requirements for colleges outside arts and sciences on a cooperative basis. Jurisdiction for the basic education requirements for colleges outside arts and sciences shall lie with the university senate through the council on academic affairs, and not with the faculty of the arts and sciences. (B/T 10/11/67)

3335-5-28 Meetings.

The faculty of the arts and sciences shall meet upon call of the chair of the coordinating council of deans or in accordance with rules established by the faculty. (B/T 10/11/67, B/T 3/2/84, B/T 5/3/96)

Graduate Faculty

3335-5-29 Membership.

The regular members of the graduate faculty shall consist of those members of the university faculty who are approved by the policy and standards committee of the research and graduate council. Ex officio members of the graduate faculty are the executive vice president and provost, the senior vice president for research, the dean of the graduate school, the deans of the colleges, and the director of libraries. (B/T 4/4/97, B/T 12/4/98, B/T 5/7/2004, B/T 6/7/2005)

3335-5-30 Powers and functions.

The graduate faculty shall have the following general powers and functions:

- (A) To elect all voting faculty members of the research and graduate council in the manner prescribed by rule 3335-5-34 of the Administrative Code.
- (B) To initiate and to act upon any question affecting the policies of the graduate school or to request consideration and action by the research and graduate council.

- (C) To approve, modify, or reverse any action of the research and graduate council.
- (D) To receive the annual report of the dean of the graduate school and such other reports as the dean shall submit.
- (E) To perform the functions approved by the research and graduate council. (B/T 6/7/2005)

3335-5-31 Meetings.

- (A) Meetings of the graduate faculty shall be called by the dean of the graduate school whenever so requested by ten per cent of the regular members of the graduate faculty or by a majority of the members present at any regular meeting of the research and graduate council.
- (B) The dean of the graduate school shall announce the time, place and purpose of each meeting at least seven days before the date of the meeting. The dean of the graduate school, or designee, shall preside at all meetings of the graduate faculty. All actions of the graduate faculty shall be upon a majority vote of the regular members present. In case of a tie vote on any matter before the graduate faculty, the dean of the graduate school shall cast the deciding ballot. Any action taken pursuant to paragraph (B) or (C) of rule 3335-5-30 of the Administrative Code shall be proposed at one meeting of the graduate faculty and acted upon at a subsequent meeting called for that purpose. (B/T 6/7/2005)

3335-5-32 Council on research and graduate studies.

There shall be established a council on research and graduate studies (also called research and graduate council) with the following powers and subject to the following limitations in rules 3335-5-33 to 3335-5-36 of the Administrative Code.

3335-5-33 Membership.

There shall be a council on research and graduate studies constituted as follows:

- (A) Chief administrative officer. The executive vice president and provost shall serve as the chief administrative officer.
- (B) Chair. The vice provost for graduate studies and dean of the graduate school shall chair the council on research and graduate studies.
- (C) Faculty members. Forty-four members of the graduate faculty, elected from the regular members of the graduate faculty of each of the seventeen colleges with graduate programs and the group of cross-college interdisciplinary graduate programs so designated by the dean of the graduate school: business (2), social work (1), food, agricultural, and environmental sciences (3), arts (4), biological sciences (4), education and human ecology (5), engineering (4), humanities (4), mathematical and physical sciences (4), medicine (1), nursing (1), dentistry (1), optometry (1), veterinary medicine (1), pharmacy (1), social and behavioral sciences (4), law (1), and interdisciplinary (2).
- (D) Alternate faculty members. Each faculty member of the council is expected to attend its meetings regularly. Alternate representatives shall be elected from each college and cross-college interdisciplinary group in order to assure full attendance at meetings when regular faculty members are justifiably absent. When a regular member is off duty or unable to attend a meeting of the council, the member shall notify the secretary of the graduate school in advance of the meeting, giving the name of the alternate who will attend. The alternate shall then have the general powers and privileges in the council of the member represented.

Service as an alternate does not make the alternate ineligible for membership in the council the following year.

- (E) Postdoctoral scholar. Two postdoctoral scholars appointed by the dean of the graduate school. The term of service is one year, and a member may be reappointed for a maximum of three years.
- (F) Student members. Twelve graduate students shall be elected by the council of graduate students. These members shall serve terms of one year and shall be eligible for at most three consecutive terms.

- (G) Alternate student members. Each student member of the council is expected to attend its meetings regularly but an alternate representative shall be appointed for each member in order to assure full attendance at regular meetings when elected student members are justifiably absent. When a student member is unable to attend a meeting of the council, the member shall notify the secretary of the graduate school in advance of the meeting, giving the name of the alternate who will attend. The alternate shall then have the general powers and privileges in the council of the member represented.
- (H) The senior vice president for research is an ex officio member of the council.
- (I) The chair of the research committee is an ex officio member of the council if not already a member. (B/T 4/4/97, B/T 12/4/98, B/T 7/11/2003, B/T 5/7/2004, B/T 11/4/2005, B/T 7/6/2006)

3335-5-34 Election of faculty members.

- (A) Faculty members shall be elected from each of the seventeen graduate colleges and the group of cross-college interdisciplinary programs defined in rule 3335-5-33 of the Administrative Code, for terms of four years and shall be ineligible to serve for one year thereafter.
- (B) The election process shall be supervised by the graduate school. There shall be a council election process in each college having graduate programs and in the cross-college interdisciplinary program group. The process shall be conducted by the college dean or designee in the spring quarter of each year. Names of the persons selected through this process shall be reported to the graduate school. Faculty identified through this process will serve four year terms beginning in the following autumn quarter. (B/T 7/11/2003)

3335-5-35 Powers and functions.

The research and graduate council shall be the principal legislative body of the graduate school and, subject to modification or reversal by the graduate faculty, shall have the following powers and functions:

- (A) To initiate graduate school policies and to act upon any questions affecting those policies.
- (B) To establish and publish rules governing graduate programs.
- (C) To submit to the council on academic affairs recommendations about proposals for adopting new courses and curricula involving graduate credit or for altering or abolishing existing ones.
- (D) To submit to the council on academic affairs recommendations about adopting or abolishing academic degrees administered by the graduate school.
- (E) To encourage and stimulate scholarly research and creative activity and foster the close relationship between graduate education and scholarly research.
- (F) To make recommendations about establishing, affiliating, and abolishing academic centers and other comparable organizations that are engaged in research or graduate education and make recommendations for determining the membership and authorities of their boards or governing bodies.
- (G) To approve, modify, or reverse any action taken by its standing committees.
- (H) To oversee the program representation plan established by rule 3335-5-33 of the Administrative Code.
- (I) To nominate members to the board of the Ohio state university research foundation. (B/T 7/11/2003, B/T 6/7/2005)

3335-5-36 Committees.

- (A) There shall be five standing committees: executive, curriculum, policy and standards, research, and graduate associate and fellowship. The dean of the graduate school will serve as chair of the executive committee. The other committees will be chaired by a faculty member of the committee.
- (B) The executive committee shall consist of the chairs of the other four standing committees, the president of the council of graduate students and the dean of the graduate school. The curriculum, graduate associate and fellowship, and policy and standards committees shall each consist of ten faculty members of the council on research and graduate studies, one from each graduate area, and three graduate students, all of whom are members of the council. The research committee, which is also a standing committee of the university senate, shall be constituted as described by rule 3335-5-48.14 of the Administrative Code.
- (C) Specific responsibilities, in addition to those assigned by the council on research and graduate studies, the senior vice president for research, the dean of the graduate school, and in case of the research committee the university senate (see rule 3335-5-48.14 of the Administrative Code), are as follows:
 - (1) The curriculum committee considers and acts on courses carrying graduate credit and considers and recommends to the council action on graduate degree programs.
 - (2) The executive committee monitors graduate council and committee activities, determines the agenda for the council, assigns issues for consideration by the other standing committees, serves as a coordinating body for council activities, and acts in the interim when council is not in session and action is required.
 - (3) The policy and standards committee considers and recommends to the council policies and rules related to graduate education and acts on graduate faculty nominations and student petitions.
 - (4) The graduate associate and fellowship committee considers and recommends to the council policies and rules related to graduate associates and fellows. (B/T 3/5/71, B/T 4/2/71, B/T 2/4/72, B/T 6/9/83, B/T 7/12/85, B/T 11/2/90, B/T 6/7/91, 11/4/94, B/T 5/3/96, B/T 5/7/2004, B/T 6/7/2005)

University Senate

3335-5-37 Membership.

There shall be a university senate, a unicameral body constituted as follows:

- (A) Voting members: the voting members of the senate (throughout this document the word "senate" shall be taken to mean the university senate) shall consist of:

Twenty-six administration members

Seventy faculty members

Forty-one student members, consisting of twenty-six undergraduate, ten graduate, and five professional student members.

Any change in the number of members representing one of three primary categories shall necessitate an adjustment in the total membership in order to maintain to the nearest percentage the ratio of these numbers.

- (B) Non-voting members: senate members not entitled to vote on the floor of the senate, but otherwise to participate in all senate deliberations, shall include the chair of faculty council (if not a member of the senate), the president of the alumni association, the secretary of the university senate, the secretary of the faculty, the president of the freshman senate, the president of the undergraduate student government, the president of the council of graduate

students, and the president of the inter-professional council, and the chair of the university staff advisory committee. (B/T 7/7/72, B/T 6/14/74, B/T 7/9/76, B/T 7/22/77, B/T 7/20/79, B/T 2/3/84, B/T 2/7/86, B/T 2/1/91, B/T 4/7/95, B/T 5/3/96, B/T 8/1/97, B/T 12/4/98, B/T 4/6/99, B/T 7/7/2000, B/T 5/6/2005)

3335-5-38 Terms of office.

- (A) Ex officio members serve by virtue of their position and shall have no fixed term of office.
- (B) Faculty members shall serve three-year terms, with one-third being elected each year; they shall be ineligible for one year for reelection.
- (C) Student members shall serve one-year terms and be eligible for reelection. (B/T 7/7/72, B/T 7/9/76, B/T 7/22/77)

3335-5-39 Election bylaws.

The university senate shall have the power to make election bylaws governing election districts and constituencies, dates for assuming office, election procedures, membership certification, and resolution of election appeals; such election bylaws shall not contravene the sections of the Revised Code applying to the university, the "Bylaws of the Board of Trustees," or the "Rules of the University Faculty." The senate election bylaws may be amended pursuant to the procedures specified in rule 3335-5-43 of the Administrative Code. (B/T 7/9/76)

3335-5-40 Alternate members.

When a regular member is unable to attend a meeting of the university senate, he or she shall notify the secretary in advance of the meeting, giving the name of the alternate who will act as a replacement. The alternate so designated shall then have the general powers and privileges in the university senate of the person replaced.

- (A) An administration member shall designate an alternate from the administration.
- (B) A faculty member shall designate an alternate from those elected as alternates in the member's own election district.
- (C) A student member shall designate an alternate from his or her constituency with the advice and consent of the student's council or governing body.
- (D) Non-voting members (see paragraph (B) of rule 3335-5-37 of the Administrative Code) shall designate their alternates from their respective constituencies or offices. (B/T 7/7/72, B/T 6/14/74, B/T 5/3/96, B/T 6/7/2005)

3335-5-41 Powers.

The university senate, subject to the authority of the board of trustees, shall have the power:

- (A) Under delegation by the university faculty
 - to establish the educational and academic policies of the university,
 - to recommend the establishment, abolition, and alteration of educational units and programs of study,
 - to recommend to the board of trustees candidates for honorary degrees,
 - to recommend candidates for degrees and certificates (which power shall be reserved to the faculty and administrative members of the university senate).
- (B) To consider, to make recommendations concerning, and (in pursuance of rules pertaining to the university) to act upon matters relating to the rights, responsibilities, and concerns of students, faculty, administrators, and staff. (B/T 7/7/72)

3335-5-42 Procedures for reconsideration.

Upon petition by ten per cent of the student body or ten per cent of the faculty, the senate shall reconsider any action which it has taken. Upon its own initiative, the senate may also reconsider actions it has taken. (B/T 7/7/72, B/T 7/11/75)

3335-5-43 Procedures for altering the organization of the university senate.

In matters pertaining to an alteration of the organization of the senate:

- (A) The secretary shall provide a written copy of the proposed change to all members and alternates at least two weeks in advance of the meeting at which the proposal is to be considered; and
- (B) An affirmative vote of two-thirds of the members present and voting at that meeting shall be required for passage. (B/T 4/4/75)

3335-5-44 Constituent bodies of the senate.

Subject only to the provisions listed below in this paragraph, the representatives to the senate of the administration, of the faculty, and the students shall have the right to meet separately and to organize themselves in whatever manner they shall deem appropriate. As far as the senate is concerned, these bodies represent separate memberships. They may initiate proposals and submit them to the university senate for consideration. The senate, however, shall be independent of these bodies, and its actions shall not need their concurrence nor be subject to their review.

- (A) The members of the administration shall designate to the program committee one person or officer responsible for submitting to the senate those proposals and recommendations which come in the name of the administration.
- (B) The elected faculty representatives to the senate shall constitute the faculty council. The faculty council shall designate to the program committee one person or officer responsible for submitting to the senate those proposals and recommendations which come in the name of the faculty council.
- (C) The student representatives to the senate shall designate to the program committee one person or officer from the undergraduate student government, the council of graduate students, and the inter-professional council, to be responsible for submitting to the senate those proposals and recommendations which come from those respective groups.
- (D) Nothing in the above shall be construed as restricting the right of a principal standing committee or of individual members speaking for themselves to submit proposals for senate action to the program committee, or directly to the senate. (B/T 7/7/72, B/T 7/21/78, B/T 2/1/80, B/T 2/7/86, B/T 4/4/97)

3335-5-45 Bylaws of the senate.

The university senate shall have the power to organize itself and to make such bylaws for its own proceedings as shall not contravene the sections of the Revised Code applying to the university, the "Bylaws of the Board of Trustees," or the "Rules of the University Faculty." The senate's bylaws may be amended at any time by a majority of senate members present and voting thereon. The bylaws shall also be the subject of review by the rules committee at the beginning of each new autumn session of the senate. (B/T 7/7/72, B/T 4/3/87)

3335-5-45.1 Presiding officer.

The president of the university shall be the presiding officer of the university senate. In the absence of the president or at the president's request the executive vice president and provost shall preside.

In the absence of both the president and the executive vice president and provost, the chair of the steering committee shall preside. (B/T 7/7/72, B/T 3/2/84, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98)

3335-5-45.2 Secretary of the university senate.

- (A) The secretary of the university senate shall be a tenured member of the regular faculty, appointed by the president from three nominees submitted by the steering committee. The term of office shall be for three years. Prior service as secretary need not preclude nomination to this office. During the term of office the secretary shall be reassigned for a minimum of fifty per cent of time to the office of the university senate during autumn, winter, spring, and summer quarters. The secretary of the senate will be evaluated annually by the executive vice president and provost, the chair of the senate steering committee, and the chair of faculty council.
- (B) The responsibilities of the secretary of the university senate will be to:
 - (1) Serve as a resource person for members of the university community on matters relating to university governance and to activities of the university senate.
 - (2) Promote active, effective participation in university governance by the members of the constituencies of the university senate.
 - (3) Coordinate the responsibilities of the office of the university senate as described in rule 3335-19-09 of the Administrative Code.
 - (4) Serve as a voting member of the program committee and the rules committee and a non-voting member of the steering committee of the university senate.
 - (5) Serve as a resource person for university and senate committees.
 - (6) Issue notification of senate meetings, agendas, and reports of senate actions in accordance with rule 3335-19-11 of the Administrative Code.
 - (7) Keep the records of the meetings of the university senate and furnish to the president for report to the board of trustees all matters passed by the university senate requiring board of trustees approval or action. (B/T 3/4/83, B/T 5/5/88, B/T 5/4/89, B/T 8/1/97, B/T 4/7/2000, B/T 8/29/2001, B/T 2/1/2002)

3335-5-46 Senate committee operating procedures.

The university senate shall have committees designated as organizing, standing, or special.

- (A) Membership.
 - (1) Unless otherwise designated by rule, the president shall appoint all committees of the university faculty and the senate (see paragraph (B)(3) of rule 3335-1-03 of the Administrative Code).
 - (2) When a rule provides for the option of selecting a designee to a committee, the designee shall be appointed by the person being replaced.
 - (3) Committee vacancy.
 - (a) The chair will report vacancies to the appropriate nominating source through the office of the university senate. For the purpose of this rule, a vacancy exists when an elected member is unable to meet the participation requirements defined by the committee.
 - (b) When an unexpired term becomes vacant, the vacancy shall be filled in a manner consonant with the original method of committee selection. A member selected to fill such a vacancy shall serve for the duration of the unexpired term.

(4) The membership of each committee shall be made known through the report of the secretary of the university senate.

(5) Terms of service.

Unless otherwise specified by the rules, terms of service of senate committee members shall begin and end on the first day of autumn quarter.

(B) Duties and responsibilities.

(1) Senate committees shall report at least annually to the senate at a time and in a manner specified by the program committee of the senate.

(2) Senate committees shall define reasonable participation requirements for the conduct of ongoing business.

(C) Organization.

Committee chairs. Except where otherwise specified by the rules, each committee shall elect a chair pro tem in the spring from its continuing membership and a chair at its first meeting in the autumn quarter. (B/T 5/1/86, B/T 7/10/87, B/T 2/5/88, B/T 5/3/96, B/T 9/1/99)

3335-5-47 Organizing committees of the senate.

(A) The senate shall have three organizing committees (see rules 3335-5-47.1 to 3335-5-47.3 of the Administrative Code):

(1) Steering committee;

(2) Program committee;

(3) Rules committee.

(B) Membership.

(1) The president shall appoint members of the administration; the council of graduate students, the inter-professional council, the undergraduate student government, and the faculty council shall select members of their own constituency using procedures adopted by their respective bodies.

(2) Only members of the senate may serve on organizing committees.

(3) Terms of service.

(a) Faculty members shall serve two-year terms and are eligible for immediate reelection or reappointment to a second term. Following that they are ineligible for reelection or reappointment until one full year has elapsed. Faculty members may not serve as chair of an individual committee for more than three successive years.

(b) Student members shall serve one-year terms and shall be eligible for reappointment.

(c) Appointed administration members shall serve two-year terms and shall not be eligible for immediate reappointment until one full year has elapsed unless they have served less than two-thirds of a full term.

(d) Multiyear terms shall be staggered so that approximately equal proportions of the number of members retire each year.

(C) Organizing committees are also governed by the provisions of rule 3335-5-46 of the

Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 2/2/90, B/T 4/5/90, B/T 11/4/94, B/T 8/6/2006)

(D)

3335-5-47.1 Steering committee.

(A) Membership.

The steering committee shall consist of fourteen members.

(1) Six faculty.

(2) Four students.

- (a) The president of the council of graduate students. The vice president of the council of graduate students may attend steering committee meetings with full voting privileges if the president cannot attend.
- (b) The president of the inter-professional council. The vice president of the inter-professional council may attend steering committee meetings with full voting privileges if the president cannot attend.
- (c) Two undergraduate students, one of whom is the president of the undergraduate student government. The vice president of the undergraduate student government may attend steering committee meetings with full voting privileges if either student cannot attend.

(3) Four administrators.

- (a) The executive vice president and provost.
- (b) The senior vice president for business and finance.
- (c) The secretary of the university senate (non-voting).
- (d) A dean.

(B) Duties and responsibilities.

- (1) Be the senate's committee on committees: the steering committee shall have the power to call, by vote of nine of its members, a special meeting of the senate, and shall have such power and duties as the senate may delegate to it during periods when the senate is not in session. It may create subcommittees and may delegate to them any of its powers, functions, and duties.
- (2) Review the structure, operation, and effectiveness of the senate and its committees. It shall receive suggestions, review proposed rule changes, and initiate recommendations for change in the structure and operation of the senate, including structure, duties, and responsibilities of senate committees, without, however, in any way restricting the senate's authority to alter its operations by other means. The steering committee may also review other proposed rule changes prior to presentation to the senate.
- (3) Serve as a channel of communication between the senate and the president and the board of trustees. Members shall be an advisory group available to both the president and the board of trustees for advice and counsel on any matter relating to the operation and development of the university. After consulting with the president, the members of the steering committee may request and obtain a meeting with the board of trustees.
- (4) Meet at least once every year with the chair of each standing committee.

(C) Organization.

- (1) For the period of time beginning with the selection of its members in spring quarter and ending with the start of the autumn quarter, the steering committee shall consist of the newly selected and continuing members. During this period, the outgoing members shall serve as alternates.
- (2) The committee shall annually elect a chair from its regular faculty membership.
- (3) As an organizing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-47 of the Administrative Code. (B/T 5/1/86, B/T 7/11/86, B/T 2/5/88, B/T 4/7/89, B/T 11/2/90, B/T 11/4/94, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 6/7/2005)

3335-5-47.2 Program Committee.

(A) Membership.

The program committee shall consist of nine members.

- (1) Four faculty.
- (2) Three students.
 - (a) One graduate student.
 - (b) One professional student.
 - (c) One undergraduate student.
- (3) Two administrators.
 - (a) The secretary of the university senate.
 - (b) A dean.

(B) Duties and responsibilities.

- (1) Receive proposals for senate action and set the senate's agenda. The agenda shall be mailed to members of the senate at least seven calendar days prior to the senate meeting.
- (2) Serve as continuing liaison between the senate and the three constituent bodies as well as the university at large.
- (3) Schedule for senate consideration items referred by committees of the senate, by the faculty council, by the administration, by the student governments, and by individual senate members. To keep the agenda manageable, however, the program committee may assign priority to such items and schedule those it deems less urgent for a subsequent senate meeting. Proposals not originating within the senate, its committees, or the constituent bodies may also be placed on the agenda. The program committee is empowered to refer all items to an appropriate committee or body for further study before presentation to the senate.
- (4) Send to senate members, along with the call for each meeting, a brief report outlining proposals brought before the program committee but not yet appearing on the senate's agenda.
- (5) Schedule reports of senate committees.
- (6) Identify matters of potential concern to the senate and work with the principal standing committees and with other bodies in the coordination and planning of the senate's

continuing agenda.

(C) Organization.

As an organizing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-47 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 2/4/93, B/T 11/4/94, B/T 5/3/96, 6/7/2005)

3335-5-47.3 Rules committee.

(A) Membership.

The rules committee shall consist of ten members.

- (1) Six faculty.
- (2) Three students.
 - (a) One graduate student.
 - (b) One professional student.
 - (c) One undergraduate student.
- (3) One administrator. The secretary of the university senate.

(B) Duties and responsibilities.

- (1) Be responsible, in cooperation with the secretary of the university senate, for the monitoring of the "Rules of the University Faculty" and of all statutes and bylaws pertaining to the senate.
- (2) Ensure that all published rules and bylaws within the senate's purview are up to date, and recommend their republication at such intervals as may be desirable.
- (3) Make recommendations for the revision of the procedural rules of the senate.
- (4) Before senate action, the committee shall receive all proposed new rules and changes in existing rules. It shall review them and recommend such editorial or other changes it deems necessary to avoid conflict with other rules, to enhance clarity and precision, and to avoid ambiguity.
- (5) Initiate rules or changes in existing rules and recommend them to the program committee for scheduling for senate action.

(C) Organization.

As an organizing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-47 of the Administrative Code. (B/T 5/1/86, B/T 7/11/86, B/T 2/5/88, B/T 2/4/93, B/T 11/4/94, B/T 5/3/96, B/T 2/2/2001, B/T 6/7/2005)

3335-5-48 Standing and special committees of the senate.

(A) The senate may establish such standing and special committees as it deems necessary or desirable.

- (1) The standing committees of the senate are those committees defined in rules 3335-5-48.1 through 3335-5-48.18 of the Administrative Code.

- (2) A special committee is one established to carry out a specified task, at the completion of which it automatically ceases to exist.

(B) Membership.

- (1) All standing and special committees of the senate shall include at least one regular faculty member of the senate.
- (2) Unless otherwise specified by the rules, or by the senate, the president shall appoint members of the administration; the council of graduate students, the inter-professional council, the undergraduate student government, and the faculty council shall select members of their own constituency using procedures adopted by their respective bodies.

(3) Terms of service.

- (a) Faculty members shall serve three-year terms and are eligible for immediate reappointment to a second term. Following that they are ineligible for reappointment until one full year has elapsed. Faculty members may not serve as chair of an individual committee for more than three successive years.
- (b) Unless otherwise specified by the rules, student members shall serve one-year terms and be eligible for reappointment.
- (c) Appointed administration members shall serve two-year terms and shall not be eligible for immediate reappointment until one full year has elapsed unless they have served less than two-thirds of a full term.
- (d) Multiyear terms shall be staggered so that approximately equal proportions of the number of members retire from the committee each year.

- (C) Standing and special committees are also governed by the provisions of rule 3335-5-46 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 4/5/91, B/T 2/4/93, B/T 11/4/94, B/T 5/6/2005, B/T 8/6/2007)

3335-5-48.1 Council on academic affairs.

(A) Membership.

The council on academic affairs shall consist of sixteen members.

- (1) Ten regular tenure-track faculty.
 - (a) Six regular tenure-track faculty, at least two of whom are members of the senate, selected by the faculty council. The term of service is three years.
 - (b) Four regular tenure-track faculty appointed by the president. The term of service is three years.
- (2) Five students.
 - (a) Two graduate students. The term of service is two years.
 - (b) One professional student.
 - (c) Two undergraduate students. The term of service is two years.
- (3) One administrator. The executive vice president and provost, or designee.

(B) Duties and responsibilities.

- (1) Make recommendations to the senate concerning the educational and academic policies of the university (see rule 3335-5-41 of the Administrative Code). This responsibility shall include, but shall not necessarily be limited to, the power to make recommendations concerning the establishment, alteration and abolition of all curricula and courses offered by the university or any division thereof; of all degrees and certificates conferred under authority of the university or any division thereof; and of all colleges, departments, and schools. It may conduct such investigations and appoint such committees as are reasonably necessary to carry out its responsibilities under these rules. Committees appointed by this council may be discharged by it at any time.
- (2) Initiate recommendations to the senate and review all proposed changes in the educational and academic policies of the university. In reviewing proposed changes, the council shall:
 - (a) Receive from the various colleges and schools, pursuant to the exercise of their powers under rule 3335-5-14 of the Administrative Code, proposals for the establishment, alteration or abolition of courses and curricula, of departments, schools, and divisions within a college, and of academic degrees. (See rules 3335-3-37, 3335-8-02, and 3335-8-03 of the Administrative Code);
 - (b) Receive from the graduate school, pursuant to the exercise of powers conferred upon the research and graduate council by rule 3335-5-35 of the Administrative Code, its proposals for the adoption, alteration or abolition of graduate-credit courses and curricula, and of academic degrees administered by it. (See rules 3335-8-02 and 3335-8-03 of the Administrative Code.)

Upon proposals respecting courses and curricula, the council shall act with finality subject to the rights of the graduate school or of any college to bring the council's decision before the senate for review. With respect to other submissions to it, the council shall make its recommendations to the senate after notice thereof, in at least abbreviated form, has been given in the official bulletin. Failure of the council on academic affairs to act or to submit its recommendations will not deprive the senate of power to review these other submissions.

- (3) Foster, as needed for interdisciplinary programs involving two or more academic areas, the establishment of faculty coordinating units reporting to the council. These units shall perform coordinative functions similar to those of the faculty of the arts and sciences (see rule 3335-5-27 of the Administrative Code) and shall serve the interdisciplinary interest of academic programs both within and among the several colleges of the university.
- (4) Appoint "ad hoc" arbitration committees to help solve problems created by any major reorganization of the academic structure of the university. The role of such committees shall be:
 - (a) To encourage discussion between and within groups of faculty members of departments or schools when it is apparent that relocation in a different organizational environment is a source of concern to some of these groups;
 - (b) To hear viewpoints and where necessary to take the lead in the arbitration of problems of individuals or groups who feel their professional development may be adversely affected by the revised organization.

If agreement cannot be reached by consultation or arbitration, an arbitration committee may make a recommendation to the senate through the council on academic affairs on what should be done to solve the problem at issue from the standpoint of what is best for the university.

- (5) Review the academic organization of the university at five-year intervals to make certain it is kept as closely attuned as possible to changing needs. Any suggestions for modifications and improvements shall be reported to the senate.

- (6) Formulate and announce a procedure to be followed in the establishment, alteration or abolition of courses or curricula.
- (7) Review the administration's proposals following the determination of a state of financial exigency as provided under rule 3335-5-02.1 of the Administrative Code.

(C) Organization.

- (1) The chair of the council shall be elected for a one-year term by the council from the membership of the council. The vice chair of the council shall be elected for a one-year term by the council from the membership of the council. The chair (or in that person's absence, the vice chair) shall preside at all meetings of the council.
- (2) Reports by the council on academic affairs to the president, other than those made through the senate, shall be made by the chair through the executive vice president and provost.
- (3) As a standing committee of the senate, this council is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 11/2/90, B/T 2/4/93, B/T 11/4/94, B/T 4/7/95, B/T 5/5/95, B/T 12/1/95, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 5/7/99, B/T 6/4/2004, B/T 6/7/2005)

3335-5-48.2 Council on libraries and information technology.

(A) Membership.

The council on libraries and information technology shall consist of thirteen members.

- (1) Seven regular tenure-track faculty.
- (2) Three students.
 - (a) One graduate student.
 - (b) One professional student.
 - (c) One undergraduate student.
- (3) Three administrators (or their designees).
 - (a) The dean of the graduate school.
 - (b) The director of libraries.
 - (c) The chief information officer.

(B) Duties and responsibilities.

- (1) In collaboration with the director of libraries and the chief information officer, to formulate policies governing the educational and research activities and services of libraries and information technology.
- (2) Assist the director of libraries and the chief information officer in the interpretation of library and information technology services to the university community.
- (3) Assist in the presentation of major library and information technology needs to the university administration.
- (4) Advise the executive vice president and provost on the appointment of the director of libraries or the chief information officer.

(C) Organization.

- (1) The chair shall be elected from among the voting members of the council.
- (2) Reports by this council to the president, other than those made through the senate, shall be made through the executive vice president and provost.
- (3) As a standing committee of the senate, this council is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 11/2/90, B/T 2/4/93, B/T 11/4/94, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 7/12/2002, B/T 6/7/2005)

3335-5-48.4 Council on student affairs.

(A) Membership.

The council on student affairs shall consist of twenty-two members.

- (1) Six regular tenure-track faculty, at least two of whom are members of the senate. The term of service begins in summer quarter.
- (2) Ten students. The term of service begins in summer quarter.
 - (a) Three graduate students.
 - (b) Two professional students.
 - (c) Four undergraduate students. Two of these students shall have a term of service of one year. Two of these students shall have a term of service of two years, with one student selected each year.
 - (d) One student from a regional campus selected by the undergraduate student government.
- (3) Three staff members, appointed by the vice president for student affairs. The term of service begins in summer quarter.
 - (a) One non-voting student affairs staff member to act as the secretary for the council. The term of service is one year.
 - (b) A student affairs staff member from a regional campus. The term of service is one year.
 - (c) A college office student affairs staff member. The term of service is one year.
- (4) Three administrators, non-voting.
 - (a) The vice president for student affairs or designee.
 - (b) The associate vice president for student affairs for planning and student development.
 - (c) The director of student activities or designee.
- (5) Alternates.

Members of the council on student affairs may have an alternate. The alternate shall be selected in the same manner as the original appointment. The chair has responsibility for recording correct voting status. If the member has voting status, the alternate may vote in

the event of the member's absence.

(B) Duties and responsibilities.

- (1) Initiate recommendations and review proposals with regard to policies which may affect the quality of student life.
- (2) Make regulations pursuant to the rules of the university faculty, the bylaws, and the statutes, insofar as they pertain to the quality of student life.
- (3) Advise the vice president for student affairs regarding the programs, services, and activities of the division.
- (4) Establish study groups, committees, and other mechanisms as needed to explore issues affecting the quality of student life and make recommendations regarding these issues to the vice president for student affairs, the senate, and other appropriate groups.
- (5) Advise other university departments and administrative units regarding proposed changes within those departments and units that may affect student rights and responsibilities.
- (6) Approve policies that govern the registration, rights, privileges, and obligations of student organizations, including but not limited to fraternities and sororities, student publications, and student government. This responsibility may be delegated by the council to appropriate committees or administrative agencies.
- (7) Serve as a channel of communication for the work of all other committees, permanent and ad hoc, that address issues within the domain of the council on student affairs and establish mechanisms by which such committees report regularly to the council on student affairs and through it to the university senate.
- (8) Conduct periodic reviews of the application of the "Code of student conduct." Recommend to the senate any proposed changes to the "Code of student conduct."
- (9) Serve as the sole administrative body for any student activity fees. This responsibility may be delegated by the council to appropriate committees or administrative agencies.

(C) Organization.

- (1) The chair shall be elected from among the incoming and continuing student members of the committee during the last meeting of spring quarter. For purposes of this election, all incoming and continuing members shall be eligible to vote; incoming and continuing members may choose alternates if necessary.
- (2) The council shall establish operating procedures to conduct, in an orderly fashion, the functions of the council.
- (3) As a standing committee of the senate, this council is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 11/2/90, B/T 7/12/91, B/T 2/4/93, B/T 7/9/93, B/T 11/4/94, B/T 6/2/95, B/T 5/3/96, B/T 4/3/98, B/T 6/4/99, B/T 6/29/2001, B/T 12/6/2004, B/T 6/4/2004, B/T 3/4/2005, B/T 6/7/2005)

3335-5-48.5 Athletic council.

(A) The athletic council shall consist of fifteen members.

- (1) Eight regular tenure-track faculty.

- (a) Four regular tenure-track faculty selected by the faculty council. The term of service is four years with service commencing the first of July following appointment or election.
 - (b) Four regular tenure-track faculty members appointed by the president. The term of service is four years with service commencing the first of July following appointment.
 - (2) Four students.
 - (a) One graduate student.
 - (b) One professional student.
 - (c) Two undergraduate students. The term of service is two years and one student is selected each year.
 - (3) Two alumni designated by the Ohio state university alumni association using procedures adopted by that body. The term of service is four years and the terms are staggered so that one member retires every two years.
 - (4) One staff member of the university selected by the university staff advisory committee. The term of service is two years.
- (B) Duties and responsibilities.
- (1) Develop, subject to the general authority of the president and the board of trustees, policies governing intercollegiate athletics, as the agent of the senate. The senate may hold these policies in review.
 - (a) These policies shall guide the administration of the program of intercollegiate athletics by the director of athletics, but the athletic council shall not serve in an administrative or executive capacity.
 - (b) It will consider and establish policy on such matters as the income and expenditures budget, the schedules for seasonal and post-seasonal play in relation to the effect upon the welfare of the athletes, grants and other financial aid to athletes, eligibility of athletes, student grievance procedures and sportsmanship policies related to athletics, awards to athletes, ticket distribution, and public and campus relations of the athletic program.
 - (c) Its recommendations and decisions on policy shall be made known to the senate and to the staff of the department of athletics.
 - (2) Participate with the president in the process of selecting one or two university faculty representatives to the intercollegiate conference of faculty representatives (big ten conference).
 - (a) For each faculty representative position, the athletic council shall prepare a list of no fewer than two regular faculty members from which the president shall select a faculty representative. All regular tenured faculty members are eligible for inclusion on these lists.
 - (b) The chair of the athletic council shall appoint a nominating committee which shall have the responsibility to inform the university community about the position of faculty representative and to invite applications and/or recommendations for nominations. Brief recommendations in writing that state the candidate's qualifications for the position may be submitted to the nominating committee by any member of the university community. Applications and nominations shall be due in accordance with a reasonable schedule established by the nominating committee.
 - (c) Final approval of each list of names submitted to the president shall be made by the full

membership of the athletic council. The list for each faculty representative position shall be presented to the president during the autumn quarter preceding the start of the next term of office in order to allow for a smooth transition between outgoing and incoming faculty representatives. The new faculty representative will be appointed January first to take office July first of the same year.

- (d) If the president appoints two faculty representatives, the terms of the representatives shall be arranged so that the terms shall not begin or expire within the same year. The term of office for a faculty representative is four years, beginning the first of July following appointment. Reappointment for no more than one additional four-year term is permissible. If an incumbent faculty representative is eligible to and desires to serve another term, then at least seven months prior to the expiration of the current term, the athletic council shall undertake a review of the incumbent's performance. If the council decides that the incumbent should serve a second term and the president concurs, the faculty representative's term shall be renewed. Otherwise, the council shall move to prepare a list to submit to the president following the procedures of paragraphs (B)(2)(a) to (B)(2)(c) of this rule.
- (e) A faculty representative who is not already a member of the athletic council shall attend meetings of the council. The chair of the athletic council, or the chair's designee from among the faculty members of the athletic council, shall serve as an ex officio alternate for either faculty representative with full voting privileges at conference meetings.

(C) Organization.

- (1) Reports by the council to the president, other than those made through the senate, shall be made through the director of athletics.
- (2) As a standing committee of the senate, this council is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 7/11/86, B/T 2/5/88, B/T 7/12/91, B/T 2/4/93, B/T 7/8/94, B/T 11/4/94, B/T 7/7/95, B/T 5/3/96, B/T 4/4/97, B/T 4/3/98, B/T 6/1/2001, 7/11/2003, B/T 6/7/2005)

3335-5-48.6 Council on enrollment and student progress.

(A) Membership.

The council on enrollment and student progress shall consist of sixteen members.

- (1) Nine regular tenure-track faculty.
 - (a) Three regular tenure-track faculty appointed by the president. Appointed members are eligible for reappointment.
 - (b) Six regular tenure-track faculty selected by the faculty council.
- (2) Six students.
 - (a) Two graduate students.
 - (b) Two professional students.
 - (c) Two undergraduate students.
- (3) One administrator. The executive vice president and provost, or designee, non-voting, to serve as administrative liaison for the council.

(B) Duties and responsibilities.

- (1) Initiate recommendations and review proposals with regard to policies which affect the

characteristics of the student body. The council shall address issues with regard to enrollment planning for undergraduate, graduate, and professional student enrollment. In addition, the council shall address issues related to undergraduate students in regard to recruitment, competitive admissions, intra-university transfers, financial aid, and retention, and coordinate any resulting actions with issues concerning graduate and professional students. Recommendations and advice will be provided to appropriate administrators and offices.

- (2) Initiate recommendations and review proposals with regard to policies which affect the processes by which undergraduate students enroll, register, and carry out other administrative functions related to the completion of their coursework and/or degree requirements. Recommendations and advice shall be provided to appropriate administrators and offices.
- (3) Initiate recommendations and review proposals with regard to policies and procedures pertinent to students' passage through the institution, including, but not limited to, the university calendar, student records, approval of transfer credit, and quarter-end validation procedures.
- (4) Encourage the collection of data and participate in the analysis of data which will support the development of informed policies on issues within the council's domain and include a summary of such data in the annual report to the senate.
- (5) Serve as a channel of communication for the work of all other committees, permanent and ad hoc, which address issues within the domain of the council of enrollment and student progress and establish regular mechanisms by which such committees report regularly to the council on enrollment and student progress and through it to the university senate.

(C) Organization.

- (1) The chair and chair-elect shall be elected from among the voting members. The chair-elect shall serve as vice chair.
- (2) Reports by this council to the president, other than those made through the senate, shall be made through the executive vice president and provost.
- (3) As a standing committee of the senate, this council is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 7/11/86, B/T 6/5/87, B/T 2/5/88, B/T 7/8/88, B/T 11/2/90, B/T 7/12/91, B/T 2/4/93, B/T 3/12/93, 11/4/94, B/T 5/3/96, B/T 4/4/97, B/T 6/7/2005)

3335-5-48.7 Committee on academic misconduct.

(A) Membership.

The committee on academic misconduct shall consist of thirty-four members.

- (1) Eighteen regular tenure-track faculty. Faculty members are eligible for reappointment, but may not serve more than two consecutive terms.
- (2) Fourteen students.
 - (a) Seven graduate students.
 - (b) Seven undergraduate students. The term of service shall begin with the summer quarter.
- (3) Two administrators.

- (a) The vice president for student affairs or designee, non-voting.
 - (b) A coordinator, appointed by the executive vice president and provost, who shall not participate in the decisions of the committee.
- (4) Alternate members.

Faculty and students who have been regular members of the committee during the previous three years shall be eligible to be alternate members, providing they remain at the university in their same category.

(B) Duties and responsibilities.

- (1) Investigate or establish procedures for the investigation of all reported cases of student academic misconduct, with the exception of cases in a professional college having a published honor code, and decide upon suitable disciplinary action. (The term "academic misconduct" is defined in paragraph (A) of rule 3335-23-04 of the Administrative Code.) Instructors shall report all instances of alleged academic misconduct to the committee.
- (2) Investigate all cases of lax or irregular methods of conducting examinations that might tend to promote academic misconduct on the part of students, with the exception of cases in a professional college having a published honor code. The committee shall report its findings in these cases to the executive vice president and provost.
- (3) Serve as a consultant on questions of academic misconduct for any professional college having a published honor code. (Note: this committee shall not have jurisdiction over cases involving student academic misconduct in professional colleges having published honor codes. These colleges shall follow their own codes in investigating reported cases of academic misconduct and in determining suitable disciplinary action. When the action taken involves suspension, dismissal, or entry on the student's permanent record, a recommendation to that effect shall be made to the executive vice president and provost for review and action.)

(C) Organization.

- (1) The committee on academic misconduct is authorized to:
 - (a) Establish panels of its members which will conduct hearings and make decisions with the same authority as the committee itself;
 - (b) Establish rules and procedures to conduct hearings, including the definition of a quorum.
- (2) If the caseload of the committee should from time to time become such that cases cannot be set for hearing within four weeks (excluding periods of examinations or between quarters), the chair shall be empowered to ask alternate members to serve voluntarily and temporarily as members of hearing panels.
- (3) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 11/2/90, B/T 7/12/91, B/T 2/4/93, B/T 11/4/94, B/T 5/3/96, 4/4/97, B/T 4/3/98, B/T 6/1/2001, B/T 6/7/2005)

3335-5-48.8 Committee on honorary degrees.

(A) Membership.

The committee on honorary degrees shall consist of seven regular tenure-track faculty members. There shall be no more than two faculty members from the same college. The term of service is five years.

(B) Duties and responsibilities.

- (1) Establish definite standards of scholarly attainment or of the distinctive applications of such attainment in the service of society by which to judge the qualifications for this honor.
- (2) Establish procedures for the nomination of potential candidates for honorary degrees.
- (3) Receive nominations concerning persons who might be considered for an honorary degree.

- (4) Review thoroughly the achievements and qualifications of all persons nominated.
- (5) Report to the university senate for its consideration and action such persons as have received no fewer than four affirmative votes from the committee membership.
- (6) Keep all deliberations and votes confidential except where publication is necessary for official purposes.
- (7) Deliver the full dossier of each candidate and the nomination report of the committee on honorary degrees to the secretary of the university senate who shall distribute the nomination report to all members of the university senate.
 - (a) This report shall include a statement that conveys the committee's rationale for the nomination, pertinent details concerning the qualifications of the candidate, and the name of the sponsoring department or academic unit.
 - (b) A ballot shall be attached to the nomination report and shall be returned to the secretary of the university senate within a time prescribed on the ballot, but in no case less than two weeks from the date that the committee report is distributed.
 - (c) The secretary of the university senate shall transmit to the president the nominations, together with the appropriate section of the reports from the committee on honorary degrees, for those candidates who are endorsed by a majority of the ballots cast by the members of the university senate.

(C) Organization.

- (1) The executive vice president and provost, or designee, shall serve as liaison between this committee and the president.
- (2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 4/3/87, B/T 2/5/88, B/T 4/7/89, B/T 11/2/90, B/T 2/4/93, 11/4/94, B/T 4/4/97, B/T 7/11/2003, B/T 6/7/2005)

3335-5-48.9 Committee on academic freedom and responsibility.

(A) Membership.

The committee on academic freedom and responsibility shall consist of eight members during autumn, winter, and spring quarters and ten members from June to the beginning of autumn quarter.

- (1) Six regular tenure-track faculty (eight during the summer period), at least three of whom are members of the senate or members-elect at the time of their selection by the faculty council. The term of service begins in the summer quarter following election and extends through the summer quarter following the third year of service.
- (2) Two graduate teaching, research, or administrative associates.

(B) Duties and responsibilities.

- (1) Study all conditions which may affect the academic freedom or responsibility of the faculty of the university, including the review of proposed changes in the "Faculty Handbook," Chapter 3335-6 of the Administrative Code (rules of the university faculty concerning faculty appointments, reappointments, promotion and tenure), and such changes in the "Operating Manual" as may impinge upon academic freedom or tenure. If the committee finds that any such proposed change adversely affects academic freedom or tenure, it shall report that finding promptly to the senate for its review.

- (2) Hear and investigate complaints by individual faculty members concerning alleged infringements upon academic freedom or responsibility in the university; report findings and recommendations to the parties involved with the hope of mediating a dispute and report to the senate if further action by the senate is appropriate.
- (3) Hear and investigate complaints by individual faculty members concerning alleged improper evaluation under the procedures of rule 3335-5-05 of the Administrative Code.

(C) Organization.

- (1) A quorum consists of five members.
- (2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 2/4/93, B/T 11/4/94, B/T 5/3/96, B/T 7/11/97, B/T 6/4/2004, B/T 6/7/2005)

3335-5-48.10 Faculty hearing committee.

(A) Membership.

The faculty hearing committee shall consist of twenty-four tenured members of the regular faculty selected by the faculty council. Each elected person shall serve a four-year term as a regular member followed by a one-year term as an alternate member.

(B) Duties and responsibilities.

- (1) Conduct hearings on appeals by respondents charged under rule 3335-5-04 of the Administrative Code following the procedures of paragraph (H) of this rule.
- (2) Conduct hearings on complaints of alleged improper evaluation based upon reasons or considerations that infringe a constitutional right of the complainant following procedures of paragraph (C)(4) of rule 3335-5-05 of the Administrative Code.
- (3) Conduct hearings on allegations of improper evaluation based upon inadequate consideration of the pertinent facts by the individual(s) making the decision following procedures of paragraph (C)(5) of rule 3335-5-05 of the Administrative Code.
- (4) Conduct hearings on an appeal of a tenured faculty member because of termination of appointment during financial exigency following procedures of paragraph (B) of rule 3335-5-02.3 of the Administrative Code.

(C) Organization.

- (1) The chair shall select three members of the committee to sit on each hearing panel. If disqualifications or case loading should require their service, alternates may be assigned to hearing panels.
- (2) A member shall be replaced on a hearing panel if there is a relationship to one of the parties or a prior involvement with the issues which may introduce prejudice.
- (3) A hearing panel shall select a person, who need not be a member of the faculty hearing committee, to serve as presiding officer. The presiding officer shall direct the proceedings, rule on matters involving the introduction of evidence, and advise the panel members on such issues of law and procedures as they may deem necessary. The presiding officer, if not a member of the committee, shall not participate in substantive deliberations with the panel nor vote on decisions by the panel.
- (4) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 2/3/89, B/T 2/4/93, B/T 11/4/94, B/T 2/29/96, B/T 5/3/96, B/T 2/7/97, B/T 6/7/2005)

3335-5-48.11 Fiscal committee.

(A) Membership.

The fiscal committee shall consist of twenty-two members.

(1) Nine regular tenure-track faculty members.

- (a) Eight regular tenure-track faculty, at least one of whom is a department chair, and at least two of whom are members of the senate, selected by the faculty council.
- (b) One regular tenure-track faculty appointed by the president.

(2) Four students.

- (a) One graduate student. The term of service is two years.
- (b) One professional student. The term of service is two years.
- (c) Two undergraduate students at least one of whom is a member of the senate. The term of service is two years.

(3) Three staff members appointed for three-year terms.

- (a) Two department-, school-, center- or college-level staff members with extensive fiscal and budgetary experience and expertise, one selected by the faculty council in consultation with the university staff advisory committee, and one selected by the executive deans in consultation with the senior fiscal officers.
- (b) One staff member appointed by the president.

(4) Six administrators.

- (a) Two central administration officials appointed by the president. These members are non-voting.
- (b) The four executive deans.

(B) Duties and responsibilities.

The committee shall have full access to all fiscal documentation necessary to perform the following functions:

- (1) Review, on a continuing basis, the fiscal policies and resources of the university;
- (2) Advise the president on the alternatives and strategies for the long-term and short-term allocation of university resources consistent with maintaining the missions of the university;
- (3) Analyze resources and budgets from an overall university-wide perspective, rather than making a detailed analysis of the budgets and expenditures of individual units within the university;
- (4) Advise the president, in the event of an imminent financial crisis, whether a determination of financial exigency is warranted; and
- (5) Report annually to the faculty council and the senate on the budgetary and fiscal condition of the university.

(C) Organization.

- (1) The committee shall annually elect a chair from its faculty membership.
- (2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 2/4/93, B/T 11/4/94, B/T 5/3/96, B/T 7/12/2002, B/T 6/7/2005, B/T 6/2/2006)

3335-5-48.12 Faculty compensation and benefits committee.

(A) Membership.

The faculty compensation and benefits committee shall consist of fifteen members.

- (1) Twelve regular tenure-track faculty, at least two of whom are members of the senate.
- (2) Two administrators.
 - (a) The executive vice president and provost, or designee.
 - (b) The associate vice president for human resources, or designee.
- (3) An emeritus member from the regular tenure-track faculty appointed annually by the president in consultation with the Ohio state university retirees association.
- (4) Additional non-voting members and consultants from the university, serving at the discretion of the voting members of the committee.

(B) Duties and responsibilities.

Study the adequacy and other attributes of the university's policies and provisions for:

- (1) Salaries, outside professional services and supplemental compensation;
- (2) Retirement benefits, hospitalization and medical insurance and other health benefits, life insurance, other insurance, travel reimbursement, educational benefits, recreational benefits, and other perquisites, benefits, and conditions of faculty employment.

(C) Organization.

- (1) The committee shall designate two standing subcommittees to concentrate, respectively, on:
 - (a) Faculty salaries and related matters;
 - (b) Faculty benefits.
- (2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 11/2/90, B/T 7/12/91, B/T 2/4/93, B/T 11/4/94, B/T 4/4/97, B/T 12/4/98, B/T 6/7/2005)

3335-5-48.13 Government affairs committee.

(A) Membership.

The government affairs committee shall consist of twelve members.

- (1) Five regular tenure-track faculty.
- (2) Three students.

- (a) One graduate student.
- (b) One professional student.
- (c) One undergraduate student.
- (3) One staff member, appointed annually by the president.
- (4) Two administrators, non-voting.
 - (a) The assistant vice president for state relations.
 - (b) The associate vice president for government relations or designee.

(B) Duties and responsibilities.

Provide insight and advice to the office of government relations and to the university senate on specific issues. Facilitate communication among the university governance institutions and the office of government relations regarding local, state, and federal issues affecting the university. In consultation with the office of government relations, build relationships with various organizations and constituencies.

(C) Organization.

As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/5/88, B/T 2/4/93, B/T 11/4/94, B/T 3/5/99, B/T 6/4/2004, B/T 6/7/2005, B/T 12/2/2005, BOT 7/7/2006)

3335-5-48.14 University research committee.

(A) Membership.

The university research committee shall consist of 16 voting and 3 non-voting members.

- (1) Twelve regular faculty members drawn from no less than eight colleges. Faculty with joint appointments across colleges may be chosen to represent either college. The term of service is three years.
 - (a) Eight regular faculty members appointed by the executive committee of faculty council, at least three of whom are members of the senate and at least one of whom is a distinguished university professor or Ohio eminent scholar.
 - (b) Four regular faculty members appointed by the president.
- (2) One research scientist, or comparable staff member engaged in research, appointed by the senior vice president for research. The term of service is three years.
- (3) Three student appointed by the respective governing bodies to one-year terms.
 - (a) Two graduate students.
 - (b) One undergraduate student.
- (4) Ex officio members, non-voting (or their designees).
 - (a) The senior vice-president for research.
 - (b) The dean of the graduate school.

(5) The senate fiscal committee chair, or her or his designee, nonvoting.

(B) Duties and responsibilities.

(1) Encourage and stimulate scholarly research and creative activity and foster a close relationship between education and scholarly research.

(2) Advise the senior vice president for research.

(3) Review, on a continuing basis, the policies and practices governing the conduct of research and scholarly activity.

(4) Coordinate with the governing bodies of the graduate school and with the office of undergraduate research.

(5) Make recommendations concerning the establishment, affiliation or abolition of centers or comparable organization that are primarily engaged in research.

(6) Collaborate in reviews of the budget of the office of research undertaken by the senate fiscal committee.

(C) Organization.

(1) The committee shall annually elect a chair from its regular faculty membership in the spring quarter preceding the academic year of service for no more than three consecutive one-year terms.

(2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 6/7/91, B/T 11/4/94, B/T 5/3/96, B/T 5/3/2002, B/T 5/7/2004, B/T 6/7/2005)

3335-5-48.15 Council on the physical environment.

(A) Membership.

The council on the physical environment shall consist of sixteen members.

(1) Seven regular tenure-track faculty members.

(a) Five regular tenure-track faculty members selected by the faculty council.

(b) Two regular tenure-track faculty members appointed by the president.

(2) Four students.

(a) One graduate student.

(b) One professional student.

(c) Two undergraduate students, one representing on-campus students and one representing off-campus students.

(3) Two staff members appointed by the steering committee upon the recommendation of the staff advisory committee. The term of service is three years.

(4) Three administrators, non-voting.

(a) The vice president for business and finance.

(b) The senior vice president for business and finance or designee.

- (c) The executive vice president and provost or designee.
- (B) Duties and responsibilities.
 - (1) Take a broad and encompassing perspective on the physical environment of the university as it affects the academic enterprise and quality of life for the university community. Propose policies, review and recommend action regarding proposed major projects, and consult with university administration about matters within its domain.
 - (a) Teaching and learning environment: adequate classroom and teaching laboratory space; priorities for new construction to advance the academic enterprise; and priorities for renovation of academic facilities, especially classrooms and teaching laboratories.
 - (b) Movement around campus: policies and projects to ease movement around campus by all relevant means, including but not limited to pedestrian, bicycle, motorized traffic, and mass transportation; policies and proposals concerning parking, public safety including institutional security, fire safety, risk reduction, and personal safety.
 - (c) The campus and the university district environment: activities undertaken to facilitate campus master planning and to implement the plans adopted; initiatives undertaken to advance the objectives of improving conditions in the university district, and activities of affiliated entities to promote these initiatives.
 - (2) Recommend items for senate action, review matters within its purview, hear periodic reports from relevant university organizations and administrative offices, and report annually to the senate.
- (C) Organization.
 - (1) The committee shall elect a chairperson from among its voting members. A chairperson shall serve a one-year term, and no more than one additional one-year term if reelected.
 - (2) As a standing council of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/1/86, B/T 2/4/94, B/T 11/4/94, B/T 2/3/95, B/T 6/2/95, B/T 5/3/96, B/T 6/4/99, B/T 6/7/2005)

3335-5-48.16 Diversity committee.

(A) Membership.

The diversity committee shall consist of sixteen members.

(1) Eight regular tenure-track faculty.

- (a) Six regular tenure-track faculty selected by the faculty council.
- (b) Two regular tenure-track faculty appointed by the president.

(2) Three staff members.

- (a) Two staff members selected by the university staff advisory council. The term of service is three years.
- (b) One staff member appointed by the president. The term of service is three years.

(3) Three students.

- (a) One graduate student.
- (b) One professional student.
- (c) One undergraduate student.

(4) Two administrators, non-voting.

- (a) The executive vice president and provost, or designee.
- (b) The associate vice president for human resources, or designee.

(B) Duties and responsibilities.

The committee shall study issues that relate to the implementation of the university nondiscriminatory policy. It shall recommend policies that foster an environment of civility, tolerance, and mutual respect. It shall perform the following functions with appropriate administrative support from the office of academic affairs and the office of human resources.

- (1) Study and evaluate issues affecting diversity from an overall university perspective.
- (2) Be informed on external requirements on the university affecting diversity.
- (3) Advise the president, the executive vice president and provost, the associate vice president for human resources, and the vice president for student affairs about the institutional climate, policies, and priorities for ensuring justice, fairness, and equitable treatment to all members of the university.
- (4) Educate and inform the university community on issues of diversity, including the letter and spirit of all Ohio and federal rules regarding members of protected classes.
- (5) Oversee administration of university affirmative action grants and awards.
- (6) Report annually to the university senate.

(C) Organization.

- (1) The committee shall elect a chair from among its voting members.

- (2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 7/12/96, B/T 4/3/98, B/T 12/4/98, B/T 6/1/2001, B/T 7/6/2005)

3335-5-48.17 Committee for evaluation of central administrators.

(A) Membership.

The committee for evaluation of central administrators shall consist of eight members.

- (1) Six tenured faculty members appointed by the president from a slate nominated by the executive committee of faculty council.
 - (a) The term of service is three years. Members shall not be reappointed to a second term until they have been off the committee for at least two years, except that a member may be reappointed immediately if that person was appointed to fill a vacant position with a remaining term of less than two years.
 - (b) A chair will be elected yearly from among the faculty members serving on the committee.
- (2) Two administrators, appointed by and serving at the pleasure of the president.

(B) Duties and responsibilities.

- (1) During autumn quarter, the executive committee of faculty council shall meet with the president and provost to identify two central administrators for review. All vice provosts, senior vice provosts, vice presidents, and senior vice presidents are eligible to be reviewed.
- (2) The review panels shall be responsible for evaluating the effectiveness of the central administrator and the office in carrying out the responsibilities of the office. The review may begin immediately after the review panel is appointed but no later than autumn quarter of the following academic year.
- (3) The review panel will, after its review and evaluation, present a written report to the president and provost. The review panel will also send a copy of the written report to the person being reviewed.
- (4) The chair of the committee shall monitor the activities of the review panels and advise the review panels on matters of procedure.

(C) Organization of review panels.

In the spring preceding the academic year in which the review is to be conducted, the committee shall organize itself into two review panels, each review panel to be organized as follows:

- (1) Three faculty members from the committee, one of whom is designated by the president or provost, in consultation with the committee chair, as chair of the review panel.
- (2) One administrator from the committee.
- (3) One student member appointed by the provost if a vice provost or senior vice provost is under review or by the president if a vice president or senior vice president is being reviewed.
- (4) One staff member appointed by the provost if a vice provost or senior vice provost is under review or by the president if a vice president or senior vice president is being reviewed.

- (5) One to three additional regular faculty members, if needed, nominated by the committee chair and appointed by the president or provost after consultation with the committee. (B/T 2/7/2003, B/T 6/7/2005)

3335-5-48.18 Graduate associate compensation and benefits committee.

(A) Membership.

The graduate associate compensation and benefits committee shall consist of eleven voting members.

- (1) Six funded graduate students, at least one of whom must be a member of the council on research and graduate studies and one of whom must be a member of the university senate. Two shall have a term of service of two years, staggered so that one term expires at the end of each year. The remaining four shall have a term of service of one year.
 - (a) There shall be at least one graduate teaching associate.
 - (b) There shall be at least one graduate research associate.
 - (c) There shall be at least one graduate administrative associate.
 - (d) There shall be at least one fellowship recipient.
- (2) Two faculty.
 - (a) One faculty member from, and selected by, the council on research and graduate studies.
 - (b) One faculty member, who is also a senator, selected by the executive committee of faculty council.
- (3) Three administrators.
 - (a) The dean of the graduate school, or designee.
 - (b) The associate vice president for human resources, or designee.
 - (c) The senior vice president for research, or designee.
- (4) One department, school, center or college-level staff member with extensive fiscal and budgetary experience and expertise, selected by the executive deans in consultation with the senior fiscal officers, non-voting.
- (5) Additional non-voting members and consultants from the university, serving at the discretion of the voting members of the committee.

(B) Duties and responsibilities.

- (1) Study the adequacy and other attributes of the university's policies and provisions including stipends, outside professional services, and supplemental compensation.
- (2) Conduct research and provide advice on economic support of graduate associates, professional development, quality and design of benefit programs, and appointment terms.
- (3) Make recommendations to the university senate, the council on research and graduate studies, and the office of academic affairs as appropriate.

(C) Organization.

- (1) The committee shall annually elect a chair from its regular student membership.
- (2) As a standing committee of the senate, this committee is also governed by the provisions of rules 3335-5-46 and 3335-5-48 of the Administrative Code. (B/T 5/6/2005, B/T 4/6/2007)

3335-5-49 Other committees of the university.

- (A) Other committees of the university may be designated by the board of trustees or, subject to the approval of the board of trustees, the president or university senate. These committees shall have no direct affiliation with the senate.
- (B) Unless otherwise specified by rule, the president shall appoint the members of these committees. (B/T 5/1/86)

3335-5-49.2 Standing committee on agricultural affairs.

- (A) The standing committee on agricultural affairs shall be appointed by the board of trustees.
- (B) The committee shall include:
 - (1) The director of the Ohio department of agriculture who shall be vice chair, ex officio with voting rights;
 - (2) Such other members as the chair of the board of trustees may designate. (B/T 5/1/86, B/T 5/3/96)

3335-5-49.3 Faculty committee on patents and copyrights.

- (A) A faculty committee on patents and copyrights has been designated in the policy on patents and copyrights approved by the board of trustees.
- (B) The membership and duties of the faculty committee on patents and copyrights are described in paragraph (C) of rule 3335-13-06 of the Administrative Code. (B/T 5/1/86)

3335-5-49.4 Ohio faculty council.

- (A) The university's representation to the Ohio faculty council (OFC) shall be the chair of faculty council and the chair-elect of faculty council. The chair of the university senate steering committee and the secretary of the university senate shall serve as alternates.
- (B) The representatives to the OFC shall report annually to the senate. (B/T 7/10/87, B/T 5/5/88, B/T 11/4/94, B/T 3/5/99)

Chapter 3335-11

RULES OF THE UNIVERSITY FACULTY
STUDENT AFFAIRS

University Discipline

3335-11-01 General discipline.

- (A) The president shall have the final responsibility and authority for the discipline of all students of the university. This responsibility and authority may be delegated by the president to the vice president for student affairs (see paragraph (H) of rule 3335-1-03 of the Administrative Code).
- (B) The deans of colleges and of the graduate school, the directors of schools, and the chairs of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments. (B/T 9/1/99, B/T 6/1/2001)

3335-11-02 Disruption.

- (A) No student, faculty, staff, visitor, or other person shall, with an intent to disrupt university authorized activities:
 - (1) Obstruct the lawful movement of any person or persons about the campus, into or out of any university building or facility, or within any university building or facility and fail to desist when so ordered by an authorized university official;
 - (2) Obstruct the movement of vehicular traffic on the streets of the university, and fail to desist when so ordered by an authorized university official;
 - (3) Occupy a university building or facility in such a manner as to prevent others from carrying out university authorized activities and fail to depart when informed by an authorized university official that he or she is disrupting university authorized activities and must depart;
 - (4) Interfere with the conduct of a class, office, laboratory, or other university authorized activity by shouting, chanting, marching, throwing missiles, or otherwise creating such a disturbance that the authorized activity cannot, in the judgment of an authorized university official, be carried on, and fail to desist when so ordered by an authorized university official;
 - (5) Employ force or violence or the explicit threat of force or violence, to prevent any person or persons from carrying out university authorized activities;
 - (6) Damage public address systems, television sets, laboratory equipment, computer systems, or other property used for the carrying out of university authorized activities;
 - (7) Solicit any person or persons to violate paragraphs (A)(1) to (A)(6) of this rule, knowing that there is a clear and present danger that such violations will occur (but a person shall not be charged with soliciting unless a violation of paragraphs (A)(1) to (A)(6) of this rule occurs as a result of this solicitation).
 - (8) This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott of classes or other forms of peaceful dissent.
- (B) Any student found guilty of the conduct proscribed in paragraphs (A)(1) to (A)(7) of this rule shall be subject to maximum sanction of dismissal or any lesser disciplinary sanction pursuant to rule 3335-11-02.1 of the Administrative Code.

- (C) Non-students charged with the conduct proscribed in paragraphs (A)(1) to (A)(7) of this rule shall be referred to an appropriate authority.
- (D) Definitions.
 - (1) The phrase "with an intent to disrupt" shall be taken to mean that a person knows or reasonably should know that his or her act or acts will have the consequence of preventing others from carrying out university authorized activities.
 - (2) The phrase "to obstruct" shall be taken to mean making the movement of a person or vehicle from one place to another difficult or impossible; it shall not be taken to mean making that movement inconvenient.
 - (3) The phrase "university authorized activity" shall be taken to mean any activity that the university conducts, sponsors, or permits to be carried out on the campus or in any university building or facility.
 - (4) The phrase "an authorized university official" shall be taken to mean any person to whom the university has delegated authority to supervise a building or facility, or any part of a building or facility, or to supervise the movement of people and vehicles on the campus.
 - (5) The phrase "campus" shall be taken to mean university owned or controlled property.

3335-11-02.1 Hearing officers and panels.

- (A) The council on student affairs shall recommend to the president, subject to the approval of the board of trustees, a list of attorneys, unaffiliated with the university, who shall be authorized to act as hearing officers to preside over disciplinary proceedings under rule 3335-11-02 of the Administrative Code. One such attorney shall be designated by the president as chief hearing officer, whose duties shall include:
 - (1) Assisting the council on student affairs in preparing and enacting procedural rules to guarantee due process, including, but not limited to, the procedural recommendations contained in the report and recommendations of the university committee on rights and responsibilities (the Ohio state university, September 15, 1968);
 - (2) Selecting hearing officers as needed from the approved list;
 - (3) Reviewing every case in which sanctions have been recommended, to determine whether such sanctions should be imposed or reduced, or whether the case should be dismissed or remanded for further hearing;
 - (4) Forwarding completed cases to the vice president for student affairs for administrative implementation in accordance with their final determination by the chief hearing officer;
 - (5) Hearing on appeal student disciplinary cases, not including university actions relating to academic failure or violations of a code of professional ethics or of an honor code of these colleges or academic units having such codes, where an appeal is taken by any student from any such action by the student's college, university committee, or other properly authorized university adjudicatory body, only in those cases where the penalty assessed was suspension, dismissal, or expulsion.
- (B) That an array of hearing panelists, large enough to allow at least three panels, shall be selected by lot consisting of:
 - (1) Faculty members,
 - (2) Undergraduate students,

(3) Graduate and professional students, and

(4) Administrative staff members.

Any person selected to serve as hearing panelist may be exempted from such service if that person declines.

- (C) The chief hearing officer shall, by lot, select from the array hearing panels, each composed of two faculty members, two undergraduate students, one graduate or professional student, and one administrative staff member. The hearing panels shall have original jurisdiction to hear cases of alleged student violation of rule 3335-11-02 of the Administrative Code brought before it by authorized university officials, make findings of fact, determine a verdict, and, in the event of a guilty verdict, to recommend sanctions.
- (D) The university and the defendant shall have the right to challenge for cause. The hearing officer shall hear challenges for cause. (B/T 5/1/86, B/T 7/12/91, B/T 4/3/98, B/T 6/1/2001)

3335-11-02.2 Pending criminal law suit.

- (A) Whenever a criminal court exercises jurisdiction over acts which allegedly constitute a disruption by university rules, the university shall not exercise jurisdiction, except in an extraordinary case. In such a case, the university may bring the student before a hearing officer and panel to determine whether the student poses a clear and present danger of repeated or continued violation of rule 3335-11-02 of the Administrative Code. If the panel finds that such a danger exists, it shall recommend that the student's continued enrollment be dependent on the imposition of strict disciplinary probation, under such terms and conditions as the hearing officer may specify (except that the student may not be deprived of university scholarship, loan, grant-in-aid, or employment).
- (B) The term of probation shall last until such time as the hearing officer finds that the danger no longer exists. This finding may be initiated by the officer or upon petition by the student.
- (C) If a probation violation is alleged to have occurred, the student will be subject to an immediate hearing before a hearing officer. If found in violation of probation, the student will be temporarily suspended or dismissed from the university pending a full hearing. (B/T 5/1/86, B/T 7/11/86)

Activities

3335-11-03 Organized activities.

- (A) The vice president for student affairs shall promulgate regulations governing all organized activities which are university connected and in which students or the spouses of students participate.
- (B) These regulations shall include a requirement that each registered organization shall have an adviser, selected by the student organization from members of the university faculty or administrative and professional staff. In accepting responsibility the adviser agrees to maintain contact with the organization so as to be familiar with its program and personnel. In addition, the adviser shall be responsible for advising the organization as to its program and personnel, having in mind not only the objectives of the particular group but also the purposes of the university, one of which is to foster a spirit of free inquiry in a setting which provides for open-minded, objective, and critical evaluation of the ideas expressed.

3335-11-04 Eligibility of students.

- (A) The vice president for student affairs shall promulgate regulations governing the eligibility of students for participation in all organized activities. (See rule 3335-11-03 of the Administrative Code.)

- (B) Participation in activities as a part of regular course work shall not be construed as participation in an organized activity for the purpose of rule 3335-11-03 or 3335-11-04 of the Administrative Code.

3335-11-05 Promulgation of regulations.

Before promulgating the regulations authorized under rules 3335-11-03 and 3335-11-04 of the Administrative Code and before amending such regulations after they have been promulgated, the vice president for student affairs shall obtain the recommendation of the council on student affairs. (See rule 3335-5-48.4 of the Administrative Code.) (B/T 6/1/2001)

3335-11-06 Student use of university facilities.

- (A) University facilities including outdoor space assigned to a student organization shall be used only for the usual activities of such student organizations. If a student organization desires to use such facilities for purposes other than its usual activities, it shall request permission for such use from the office of student activities.
- (B) No student, group of students, or registered student organization may announce an activity involving the use of university facilities including outdoor space or may use such facilities for an activity, unless such use has first been approved and scheduled first by the office of student activities, or other office in charge of scheduling for that particular building, as delegated by the office of the university registrar in accordance with rule 3335-13-03 of the Administrative Code. (B/T 7/8/2005)

The Ohio Union

3335-11-07 Purpose.

The Ohio union exists for the primary purpose of serving students in their cultural, social, recreational, and leadership activities. The Ohio union is also established to serve the faculty, staff, alumni, and guests of the university. (B/T 9/7/59, B/T 7/11/75, B/T 4/2/96, B/T 6/29/2001)

3335-11-08 Director.

The director shall be the chief administrator of the Ohio union. The director shall have the general administrative responsibility for the programs and financial affairs of the union. The director shall be responsible to an assistant vice president for student affairs and report annually to the council on student affairs. (B/T 9/7/59, B/T 12/3/71, B/T 7/11/75, B/T 7/12/91, B/T 4/2/96, B/T 6/29/2001)

3335-11-09 The Ohio union council.

- (A) The Ohio union council shall consist of seventeen members chosen as follows:
 - (1) Students.
 - (a) Two graduate students selected by the council of graduate students. One student will serve a one-year term, and one student will serve a two-year term.
 - (b) Two professional students selected by the inter-professional council. One student will serve a one-year term, and one student will serve a two-year term.
 - (c) Two undergraduate students selected by the undergraduate student government. One student will serve a one-year term, and one student will serve a two-year term.
 - (d) Two student members from registered student organizations shall be selected by the director of student activities. One student will serve a one-year term, and one student will serve a two-year term.

(2) Regular faculty.

Two regular members selected by the faculty council. Term of service shall be two years.

(3) Staff members.

(a) The director shall be an ex-officio, non-voting member of the council.

(b) One union staff member shall be appointed by the director. Term of service shall be two years.

(c) One staff member from across the university shall be appointed by the vice president for student affairs under procedures established and documented by the council. Term of service shall be two years.

(4) Alumni members.

Two alumni members shall be appointed by the Ohio state alumni association in consultation with the council. Term of service shall be one year.

(5) Community members.

Two community representatives shall be selected under procedures established and documented by the council. Term of service shall be one year.

(B) Duties and responsibilities.

(1) Establish general policy on such matters as, but not limited to, financial planning, facility use, student development, public and campus relations. These policies shall guide the administration of the program of the union by the director of the union, but the council shall not serve in an administrative capacity.

(2) Report regularly to the council on student affairs.

(C) Organization.

The chair shall be elected from among the voting members of the committee. (B/T 9/7/59, B/T 2/9/67, B/T 11/9/67, B/T 12/3/71, B/T 7/11/75, B/T 7/20/79, B/T 2/7/86, B/T 11/2/90, B/T 7/12/91, B/T 4/2/96, B/T 4/3/98, B/T 6/29/2001, B/T 3/3/2006)

3335-11-10 University recreational sports committee.

(A) Membership.

The university recreational sports committee shall consist of twenty-one members:

(1) Two faculty members appointed by the faculty council. The term of service is two years.

(2) Nine students:

(a) Two graduate students selected by the council of graduate students. The term of service is two years.

(b) One professional student selected by the inter-professional council. The term of service is one year.

(c) Six undergraduate students selected by the undergraduate student government. The term of service is two years.

- (3) Two staff members selected by the university staff advisory committee. The term of service is two years.
- (4) Seven administrators or their designees, non-voting:
 - (a) The vice president for student affairs.
 - (b) The senior vice president for business and finance.
 - (c) The director of the department of recreational sports.
 - (d) The associate vice president for the department of physical facilities.
 - (e) The director of the department of athletics.
 - (f) The director of the school of physical activity and educational services.
 - (g) The director of the student wellness center.
- (5) One non-voting staff member from the department of recreational sports to act as the secretary for the committee. The term of service is one year.
- (B) Duties and responsibilities.
 - (1) Initiate recommendations and review proposals with regard to policies that may affect the recreational sports facilities and programs.
 - (2) Make recommendations to the director of recreational sports regarding the usage priority for recreational sports facilities space, co-operative recreational sports ventures, and adjustments to agreements specified in the 1998 Larkins hall "Project Memorandum of Understanding."
 - (3) Collect feedback on recreational sports issues in order to evaluate the quality of recreational sports facilities maintenance, daily operations, and programs, recommending changes as appropriate.
 - (4) Annually review and revise the long-term maintenance plan for recreational sports facilities.
 - (5) Reviewing all budgets and expenditures of the department of recreational sports and the appropriate portions of budgets and expenditures of all general funds, student affairs funds, college of education and human ecology funds, and department of athletics funds that contribute to recreational facilities operations and programs.
 - (6) Deciding the future of the Larkins hall construction debt service portion of the student recreation fee once the debt service has been retired.
 - (7) Recommending the disbursement of windfall dollars such as donor gifts, corporate sponsorship and advertising revenue upon review of established recreational sports facilities funding proformas.
 - (8) Recommending intra-departmental fees for non-recreational sports use of space designed and funded for recreational sports.
 - (9) Serve as a channel of communication for information regarding recreational sports among the office of business and finance, the department of physical facilities, the college of education and human ecology, the school of physical activity and educational services, the department of athletics, the council on student affairs, the athletic council, the undergraduate student government, the council of graduate students, the inter-professional council, faculty council, and the university staff advisory committee.

(10) Report annually to the council on student affairs.

(C) Organization.

(1) The chair shall be elected from among the student membership of the committee.

(2) The committee shall establish operating procedures to conduct, in an orderly fashion, the functions of the committee. (B/T 7/11/2003, B/T 12/5/2003, B/T 7/7/2006)

Chapter 3335-13

RULES OF THE UNIVERSITY FACULTY UNIVERSITY PROPERTY

Restrictions

3335-13-01 Drives and canvassing.

- (A) Canvassing or solicitation for funds, sales, or subscriptions are prohibited on university campuses or in university buildings unless written permission therefor shall first have been granted by the office of the university registrar which may seek recommendation regarding requests for permission from appropriate university offices.
- (B) The sale of merchandise of any kind whatsoever, or publications or services upon university property, other than by the regularly authorized stores, restaurants, departments or divisions of the university, is likewise prohibited except upon written permission of the office of the university registrar which may seek recommendation regarding requests for permission from appropriate university offices. The responsibility and authority of the office of the university registrar under this rule may be delegated by it to a member of the university faculty or staff.
- (C) Any persons violating this rule shall be subject, upon proper notice, to eviction from university property or arrest.

3335-13-02 Smoking - tobacco.

The prohibition of the smoking of tobacco within university facilities designated as "No Smoking" areas by the authority delegated by the director of administrative services of the state of Ohio has been established to protect the comfort and health of persons who do not smoke or to whom such smoke is objectionable. Further, the smoking of tobacco in such designated areas is a violation of section 3791.031 of the Revised Code, and all violators are subject to prosecution.

3335-13-03 University facilities.

- (A) University facilities may be scheduled and used only if the meeting is sponsored by at least one of the following: the university; an administrative unit of the university; the president or a member of his or her staff; a member of the university faculty; a club or committee of university faculty members, university staff members, or their spouses; or a recognized student organization (see rule 3335-11-03 of the Administrative Code).
- (B) The office of the university registrar shall be responsible for the scheduling of and shall have the necessary authority to schedule all university facilities. No meeting shall be scheduled in or announced for any university facility unless permission to use the facility has been obtained in advance from the office of the university registrar. All requests for the use of university facilities shall indicate the nature of the proposed meeting. If the proposed meeting is one to which a guest speaker is to be invited, the request for the use of university facilities shall indicate the name of the guest speaker and shall be submitted to the office of the university registrar at least two weeks prior to the date the meeting is to be held, but such two-week period may be waived by the office of the university registrar if the exigencies of the situation so require and the orderly scheduling of university facilities would not be unduly prejudiced (see rule 3335-5-06 of the Administrative Code).
- (C) The word "meeting" as used in rules 3335-5-06, 3335-11-06, and 3335-13-03 of the Administrative Code means any meeting using university facilities to which the faculty, staff, students or public is invited, except regularly scheduled university courses, conferences approved under university procedures, and meetings of state, regional, national or international organizations approved under university procedures.

- (D) The responsibility and authority of the office of the university registrar under this rule may be delegated by it to a member of the university faculty or of the staff of this university. (B/T 10/12/62, B/T 9/14/65, B/T 12/3/71, B/T 2/3/84, B/T 5/3/96)

3335-13-04 Duplication of keys.

Except as specifically authorized by the president, no person shall knowingly make or cause to be made any key for any building, laboratory, facility, or room of the university. (B/T 4/12/63)

3335-13-05 Control of dogs and other animals.

- (A) No person, being the owner or keeper, or harboring or having charge of any dog or other animal, shall permit the same upon the grounds of the Ohio state university unless it be under the personal control of its owner or keeper by a leash not more than six feet in length. A dog or other animal, leashed but unattended, is not under the personal control of its owner or keeper. Nor shall such a person, being the owner or keeper or harboring or having charge of any dog or other animal, permit the same in any university building or housing, except for seeing eye dogs when accompanying their masters and except for animals brought by their owner or keeper for use for approved research purposes or for observation or care by veterinary clinic personnel.
- (B) Any dog or other animal found upon the grounds of the Ohio state university or in any university building, except as permitted pursuant to the provisions of paragraph (A) of this rule, may be taken into custody by university authorities. University authorities shall, as soon as practicable after assuming custody thereof, turn the dog or other animal over to appropriate county or municipal authorities for delivery to the custody of the humane society. Release from custody should be sought pursuant to the society's rules.
- (C) The owner or keeper of any dog or other animal taken into custody by university officials pursuant to this rule shall pay a fine to the university, upon presentation of a bill therefor, to reimburse the university for costs incurred in impounding the dog or other animal and turning it over to the control and custody of county or municipal authorities. (B/T 7/31/69, B/T 9/2/71, B/T 9/10/76, B/T 8/29/2001)

Patent Rights

3335-13-06 Rights to and interests in patentable discoveries and inventions, copyrights, and related materials.

- (A) This rule shall apply to all products of university research (where "university research" is as defined in the current university policy on patents and copyrights), defined to be inventions and other legally protectable material arising out of university research, including any discovery, invention, know-how, design, model, work of authorship, and any strain, variety or culture of an organism, or any portion, modification, translation or extension of these items. Products of research will not include works of artistry, academic instruction, or traditional scholarship insofar as these works were not produced in connection with a sponsored program or as a part of a specific university duty or assignment.
- (B) The board of trustees deems it in the best interest of the university, its faculty, staff, and students, and in the interest of the promotion of research and development to provide for participation by faculty, staff, and students in the proceeds from products of research conceived or developed by them in the absence of any prior agreements relating to sponsored activities and insofar as allowed by any contract or grant agreements in support of the activity leading to the product of research.
- (C) The board of trustees shall establish a policy on patents and copyrights to be administered under the direction of the president of the university through the office of the senior vice president for research. The provisions of the policy shall be subject to review by the faculty committee on patents and copyrights and recommended to the board of trustees by the university senate.

- (1) The faculty committee on patents and copyrights shall be composed primarily of members of the university faculty and shall elect its own chair. Five members shall be elected by the faculty council in a manner to be determined by the council. One graduate student shall be appointed by the council of graduate students in a manner to be determined by that council. Five members shall be appointed by the president in consultation with the senior vice president for research, the executive vice president and provost, and other appropriate officials of the university. Service on the committee shall be for terms not to exceed three years. An individual may become eligible for committee service again after an absence from the committee of at least one year.
 - (2) The specific duties of and the procedures for appeals to the committee shall be as described in the policy on patents and copyrights.
- (D) Subject to the authority of the president of the university, the senior vice president for research is hereby assigned the responsibility for the acquisition, protection and disposition of rights in products of university research in accord with the policy on patents and copyrights. (B/T 4/12/63, B/T 5/8/69, B/T 10/4/85, B/T 4/4/86, B/T 11/2/90, B/T 4/4/97, B/T 12/4/98, B/T 5/7/2004)

3335-13-07 Rules governing faculty and staff participation in companies commercializing university research.

(A) Policy statement.

Pursuant to section 3345.14 of the Revised Code, the university board of trustees has determined that the interests of the university will be served if faculty and some categories of staff are afforded the opportunity to hold personal financial interests in companies commercializing their university research. Faculty and staff participation in technology licensing transactions will facilitate the university's goal of making its research available for use in the private marketplace by giving researchers an incentive to develop inventions with commercial applications. The opportunity to participate in these transactions is also essential to the university's efforts to attract and retain highly-qualified researchers. The procedures and guidelines set forth in these rules are intended to enable the university to realize the benefits of these entrepreneurial activities while protecting the integrity of our research and educational mission and to comply with university policies and applicable federal and state laws.

(B) Definitions.

- (1) A technology commercialization company is a private commercial entity that is owned in whole or in part by a university employee and that has as its purpose the development and commercialization of university-owned technology created by that employee.
- (2) The university's ownership of intellectual property rights in technology created by its faculty and staff is determined in accordance with section 3345.14 of the Revised Code and the university policy on patents and copyrights. As more fully explained in the policy on patents and copyrights, university-owned technology generally does not include textbooks and other scholarly and artistic works.
- (3) The technology transfer oversight committee is the university body responsible for the approval and oversight of technology commercialization companies pursuant to a delegation of authority from the university board of trustees.
- (4) The conflicts of interest administrator is the university official who is responsible for assisting faculty and other university employees in identifying, managing and eliminating conflicts of interest, and in particular for facilitating the development of conflict of interest management plans for faculty and staff participating in technology commercialization companies.

(C) Applicability.

- (1) These rules shall apply to all faculty who create intellectual property owned by the university and who desire to hold an ownership interest in a technology commercialization company.
- (2) These rules shall apply to staff members holding unclassified appointments, graduate associates, and student employees who:
 - (a) Are specifically assigned to engage in research and development activities;
 - (b) Create intellectual property owned by the university; and
 - (c) Desire to hold an ownership interest in a technology commercialization company.

(D) Responsibilities of department chairs and staff supervisors.

- (1) Department chairs are responsible for ensuring that faculty who participate in technology commercialization companies comply with applicable university policies governing the terms and conditions of employment, and academic and research activities. Chairs are also responsible for ensuring compliance with the paid external consulting and faculty conflict of interest policies and for reviewing and making a recommendation as to the propriety of private business activities reported by their faculty in disclosure forms required by those policies.
- (2) Staff supervisors are responsible for ensuring that employees who participate in technology commercialization companies comply with applicable university policies governing the terms and conditions of employment, and academic and research activities. They are also responsible for ensuring compliance with the university policies on conflicts of interest and work outside the university applicable to staff employees and for reviewing and making a recommendation as to the propriety of private business activities reported by staff in disclosure forms required by those policies.

(E) Approval process.

- (1) Faculty and staff members who wish to participate in a technology commercialization company must first obtain approval from their department chairs and deans or other appropriate supervisors. The office for technology licensing will be responsible for establishing the business terms of the transaction between the company and the university, and the conflicts of interest administrator will facilitate the development of a conflict of interest management plan.
- (2) The technology transfer oversight committee will review the sufficiency of business terms and conflict of interest management plans relating to technology commercialization companies. Written approval from the technology transfer oversight committee must be obtained before any business agreements relating to a technology commercialization company are finalized.
- (3) Faculty or staff members who wish to participate in a technology commercialization company may discuss initial company formation with the office for technology licensing; however, they should not, as a general rule, participate in the ongoing negotiation of option and licensing terms between the company and university. As soon as possible, third parties, such as company management and/or legal counsel should perform this function.
- (4) As a prerequisite to the granting of an exclusive license to university technology, a technology commercialization company must provide the office for technology licensing with a viable business plan including, at a minimum, the following:
 - (a) A capitalization plan demonstrating access to funds necessary for company growth;
 - (b) A proposed management team; and

- (c) Milestones for product development and commercial sale.
 - (5) In recognition of the university's ownership of the technology, a technology commercialization company shall grant the university an equity interest in the company as negotiated by the office for technology licensing.
 - (6) The faculty member's department chair or the staff member's supervisor must be active participants in discussions with the technology transfer oversight committee and in the development of the conflict of interest management plan relating to a technology commercialization company.
 - (7) A chair or staff supervisor who has a financial interest or is a co-participant with a faculty or staff member in a technology commercialization company is not in a position to provide effective oversight of that activity. In these situations, another disinterested administrator must be appointed by the technology transfer oversight committee to perform the responsibilities of the chair or staff supervisor.
 - (8) If the technology transfer oversight committee determines that, for any reason, it is not possible for the chair, the staff supervisor or another disinterested administrator to provide effective oversight of a transaction involving a technology commercialization company, the transaction should not be approved.
- (F) Responsibility for university duties.
- (1) Faculty are encouraged to develop discoveries and inventions with commercial potential; however, they should do so with due regard to the broader teaching and research mission of the university. Faculty should not allow their interest in a financial opportunity arising out of their research efforts to influence their teaching, or to interfere with their relationships with other faculty. In particular, research assignments for students should be based on the students' interests and academic development. Faculty should respect and promote the cooperative nature of the academic environment by sharing information and participating in joint research efforts with their colleagues.
 - (2) While faculty are permitted by the policy on paid external consulting and these rules to engage in specified private business activities relating to their university positions, they continue to be responsible for the performance of all of their university teaching, research and service obligations. Authorized private business activities must be undertaken in accordance with the policy on paid external consulting and pursuant to formal consulting and conflict of interest management plans signed by the faculty, the technology commercialization company and the university and approved by the department chair, the conflicts of interest administrator, the office for technology licensing, and the office of legal affairs.
 - (3) Staff members may engage in activities relating to a technology commercialization company during regularly assigned working hours only if they take approved leave. When performed outside regularly assigned working hours, these activities must be undertaken in accordance with the university policies on conflicts of interest and work outside the university applicable to staff employees and pursuant to a formal conflict of interest management plan signed by the staff member, the technology commercialization company and the university and approved by the department chair and/or supervisor, the conflicts of interest administrator, the office of technology licensing, and the office of legal affairs.
 - (4) Staff members may pursue research projects as authorized by their supervisors. Supervisors should authorize only those staff research projects that will advance the missions of the university and the employing unit, without regard to the financial interests of individual employees.

(G) Conflict of interest management standards.

- (1) University facilities, equipment and other resources may be used for research benefiting a technology commercialization company only pursuant to a sponsored research agreement, facilities use agreement or other appropriate contractual arrangement.
- (2) As a general rule, faculty or staff should not hold management positions in technology commercialization companies. While they may initially find it necessary to play a management role in a newly-formed company, it is expected that their management responsibilities will decrease as the company develops. Professional management should be brought in at the earliest opportunity. In order to ensure the application of this principle, agreements between the university and a technology commercialization company should contain enforceable milestones for the reduction of these management responsibilities. Failure to comply with these agreed-upon milestones will result in the company's inability to engage in sponsored research, utilize student employees and the other commercialization agreements and/or activities permitted under these guidelines.
- (3) Faculty should not allow their management activities with technology commercialization companies to consume a disproportionate amount of their professional attention. Faculty engaged in approved private business activities who are unable to perform all of their university responsibilities must reduce those activities or request a reduction of appointment or other approved leave. Professional improvement leave authorized under section 3345.28 of the Revised Code may not be used for private business purposes.
- (4) Staff members who are unable to perform all of their university duties because of activities in connection with technology commercialization companies must reduce those activities or request a reduction of appointment or other approved leave.
- (5) Graduate and undergraduate students may use university facilities, equipment and other resources to perform research benefiting a technology commercialization company only pursuant to a sponsored research agreement. As stipulated in the graduate school handbook, such research may not be used to satisfy the criteria for a thesis or dissertation if the material is restricted from publication. Students must be informed in writing of this restriction prior to the start of their research.
- (6) Students may be employed by a technology commercialization company, subject to the limitation set forth in paragraph (G)(7) of this rule. Prior to such employment, the student, the faculty or staff member, the chair of the student's department, the chair of the graduate studies committee and a company representative must sign an agreement disclosing the student's rights and obligations.
- (7) A student may not be employed by a technology commercialization company in which a faculty member has an ownership interest if:
 - (a) The student is enrolled in a course taught by the faculty member;
 - (b) The faculty member is a member of the student's thesis or dissertation committee; or
 - (c) The faculty member is the student's advisor or the director of his or her thesis or dissertation research.

Such students may perform research benefiting a technology commercialization company only pursuant to a sponsored research agreement or other formal internship agreement through the university.

- (8) Technology commercialization companies may not enter into any agreements with the university for the purchase, sale or rental of equipment, supplies or services other than those explicitly authorized by the technology transfer oversight committee.

- (9) As a general rule, faculty and staff members who are not directly involved with research and development of technology licensed to a technology commercialization company may not hold equity interests in that company. Equity ownership in these situations is permissible only to the extent allowed by section 2921.42 of the Revised Code.
- (10) University regulatory review boards including, for example, the institutional review board and the institutional laboratory animal care and use committee, may be utilized for research benefiting a technology commercialization company only pursuant to a sponsored research agreement.
- (11) As a general rule, an individual faculty or staff member should not hold more than twenty-five per cent of the outstanding equity in a technology commercialization company. While significant faculty or staff equity ownership may be inherent in a newly-formed company, it is expected that their ownership interests, as a percentage of the total outstanding shares or membership interests of the company, will decrease as the company develops and attracts additional equity. In order to ensure the observance of this principle, agreements between the university and technology commercialization companies should contain enforceable milestones for the dilution of these equity interests. Failure to comply with these agreed-upon milestones will result in the company's inability to engage in sponsored research, utilize student employees and the other commercialization agreements and/or activities allowed for under this rule.
- (12) Faculty or staff members may not assume the role of principal investigator in sponsored research projects funded by technology commercialization companies in which they have an interest if the projects involve the use of human subjects, or if they are veterinary clinical trials involving the use of animals. In other cases, faculty or staff may assume the role of principal investigator if a formal research integrity plan approved by the technology transfer oversight committee, the conflicts of interest administrator and the office of legal affairs is in place.
- (13) Agreements for sponsored research projects funded by technology commercialization companies must include, at a minimum, a requirement for full university publication rights and fully negotiated cost recoveries. The office of research must approve exceptions to these conditions.
- (14) Faculty and staff participating in technology commercialization companies approved pursuant to these rules continue to be bound by the university policy on patents and copyrights. New inventions and/or discoveries made as a result of a faculty or staff member's research efforts for the company, including those made under formal consulting agreements, will be owned by the university, and the company will be offered an exclusive option to the technology. New inventions and/or discoveries developed by the faculty or staff member for the company must be disclosed to the office of technology licensing as required by the policy on patents and copyrights. (B/T 4/6/2001, B/T 6/29/2001)

Chapter 3335-15

RULES OF THE UNIVERSITY FACULTY MISCELLANEOUS PROVISIONS

Definitions

3335-15-01 The university.

Unless specifically noted, the phrases "the university" and "this university" refer to the basic organization of the educational units of the university as defined by rule 3335-1-05 of the Administrative Code.

Recommendations to board of trustees regarding amendment of rules, regulations and bylaws

3335-15-02 Power to promulgate rules and regulations.

Rules and regulations for the administration and operation of the university may be promulgated, amended, and repealed by the board of trustees upon its own initiative or upon the recommendation of the university faculty or the university senate.

3335-15-03 Authorization to recommend amendment or repeal of rules and regulations.

- (A) The university faculty (either directly or through the university senate) is authorized to recommend through the president to the board of trustees the adoption of detailed rules and regulations for the university faculty. If adopted, these rules shall be called "Rules of the University Faculty" and shall be amended or repealed under the procedures outlined in the "Bylaws of the Board of Trustees."
- (B) The university faculty (either directly or through the university senate) is also authorized to make recommendations through the president to the board of trustees concerning the promulgation, amendment or repeal of the other rules and regulations for the university.

3335-15-04 Authorization to recommend amendment or repeal of "Bylaws of the Board of Trustees."

The university faculty or the university senate is authorized to make recommendations through the president to the board of trustees concerning the amendment or repeal of the "Bylaws of the Board of Trustees."

(AS OF JULY 7, 2006)

Chapter 3335-17

ELECTION BYLAWS OF THE UNIVERSITY SENATE
(Authorized in rule 3335-5-39 of the Administrative Code)

3335-17-01 Administration members.

The twenty-six members from the administration shall consist of the university president, the executive vice president and provost, the senior vice president for business and finance, the senior vice president for research, the eighteen deans of the colleges, the executive dean of the arts and sciences, the executive dean of the regional campuses, the dean of the graduate school, and the director of libraries. (B/T 5/7/2004, B/T 5/6/2005)

Senate revision April 14, 2005

3335-17-02 Elections.

The faculty, professional student, graduate student, and undergraduate student members and alternates of the university senate shall be chosen in the manner prescribed by the appropriate constituency as defined in rule 3335-17-03 of the Administrative Code. All terms of service shall begin in the autumn quarter following election.

Senate revision September 29, 1984
Senate revision December 2, 1989

3335-17-03 Administration and supervision of elections.

The primary responsibility for administering and supervising senate elections shall reside with the faculty council, for the election of faculty members of the senate; council of graduate students, for the election of graduate student members; inter-professional council, for the election of professional student members; and undergraduate student government, for the election of undergraduate student members. Each group shall:

- (A) Propose procedures and regulations for nominations and elections, consistent with these bylaws; the nomination procedure shall include the opportunity for direct nominations by an appropriate number of electors eligible to vote in an election for the office in question.
- (B) Report the results of elections in its constituencies to the senate secretary for certification of senate members. Faculty election results are to be submitted by the tenth of April; other constituencies by the fifteenth of May.
- (C) Take action to ensure that the time and manner of nominations and elections are well publicized so as to provide reasonable notice to those eligible to participate. Any notices referring to the university senate elections shall be conspicuously designated as such.

Senate revision June 2, 1979
Senate revision March 8, 1980
Senate revision December 2, 1989

3335-17-04 Apportionment of faculty members.

- (A) Seventy faculty members shall be apportioned as follows: at least one to represent each of the following faculty constituencies:

College of food, agricultural,
and environmental sciences
College of the arts
College of biological sciences
College of business, the Max
M. Fisher
College of dentistry
College of education and
human ecology
College of engineering
College of humanities
The Michael E. Moritz
college of law
College of mathematical and
physical sciences

College of medicine
College of nursing
College of optometry
College of pharmacy
College of social and
behavioral sciences
College of social work
College of veterinary medicine
OSU Lima campus
OSU Mansfield campus
OSU Marion campus
OSU Newark campus
University libraries
Departments of military science,
naval science, and air force
aerospace studies

- (B) The other faculty members shall be apportioned among the faculty constituencies, such that no more than ten per cent of the total faculty membership of the senate shall be assigned to any one unit listed in paragraph (A) of this rule. The schedule for apportionment shall be reviewed annually and derived from the distribution of regular tenure-track faculty and shall be proposed by the executive committee of the faculty council and approved by the faculty council.
- (C) For the purpose of voting in a senate election, the eligible faculty shall be regular tenure-track faculty and shall vote only in the election of members from the constituency in which they hold their primary appointment. (B/T 6/4/2004, B/T 12/2/2005, B/T 7/7/2006)

Senate revision December 3, 1983
Senate revision September 29, 1984
Senate revision December 2, 1989
Senate revision April 6, 1991
Senate revision April 6, 1996
Senate revision May 13, 2004

3335-17-05 Apportionment of graduate student members.

- (A) Ten graduate student members shall be elected by the council of graduate students in accordance with its bylaws so as to ensure a diverse representation of graduate programs.
- (B) For the purpose of voting for the graduate student delegation to the university senate, each graduate student elector shall be a delegate in the council of graduate students. (BOT 12/5/2003)

3335-17-06 Apportionment of professional student members.

- (A) Five professional student members shall be elected by the inter-professional council senate in accordance with its bylaws so as to ensure a diverse representation of professional colleges.
- (B) For the purpose of voting for the professional student delegation to the university senate, each professional student elector shall be a senator in the inter-professional council. (BOT 12/5/2003)

3335-17-07 Apportionment of undergraduate student members.

- (A) Twenty-six undergraduate student members shall be elected by the undergraduate student government senate in accordance with its bylaws so as to ensure a diverse representation of student interests.

- (B) For the purpose of voting for the undergraduate student delegation to the university senate, each undergraduate student elector shall be a senator in the undergraduate student government senate.

Senate revision October 25, 1980
Senate revision June 2, 1984
Senate revision December 1, 1990
Senate revision April 6, 1996
Senate revision March 6, 1999
Senate revision March 14, 2002
BOT approved December 5, 2003

3335-17-08 Qualifications for membership.

- (A) To be eligible for service as members of the university senate:
- (1) Faculty members shall be on the roster of the regular tenure-track faculty and available for senate service autumn, winter and spring quarters during their elected terms.
 - (2) Graduate, professional and undergraduate student members shall be in good standing and enrolled each quarter (except summer quarter) or semester.
 - (3) Faculty, professional and undergraduate student members shall, at all times including the time of election, be members of the constituency which they were elected to represent. The graduate student senators shall be deemed to represent all graduate students.
- (B) No person shall represent one constituency while serving as a representative of another.
- (C) The requirements for alternate members shall be the same as for members. (B/T 6/4/2004)

Senate adoption June 4, 1977
Senate revision April 29, 1978
Senate revision February 9, 1980
Senate revision January 26, 1985
Senate revision May 13, 2004

3335-17-09 Amendments.

- (A) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these election bylaws following appropriate action on these title changes by the university senate or the board of trustees.
- (B) Additional amendments to these election bylaws shall follow the procedures specified in rule 3335-5-43 of the Administrative Code.

Senate adoption March 8, 1986
Senate revision April 6, 1996

Chapter 3335-19

BYLAWS OF THE UNIVERSITY SENATE (Authorized in rule 3335-5-45 of the Administrative Code)

3335-19-01 Rules of order.

Unless otherwise indicated, all meetings of the senate (throughout these bylaws the word "senate" shall be taken to mean the university senate) shall be conducted in accordance with the latest revision of "Robert's Rules of Order." (B/T 6/7/2005)

3335-19-02 Meetings.

- (A) Regular meetings of the senate shall be held during the autumn, winter, and spring quarters. In the spring quarter each year the program committee shall recommend and the senate shall adopt and publish the schedule of regular meetings for the following academic year. This schedule shall include at least seven meetings spread over the academic year. Scheduled meetings may be cancelled by the program committee when deemed appropriate.
- (B) Special meetings of the senate shall be scheduled upon:
 - (1) Majority vote of senate members present and voting at any meeting, or
 - (2) Call of the president of the university, or
 - (3) Call of the steering committee, or
 - (4) Petition signed by at least twenty-five regular voting members of the senate and presented to the secretary of the university senate.
- (C) If the petition requesting a special meeting specifically requests a meeting at the earliest date and is transmitted with the necessary supporting material for distribution to the membership, then a special meeting shall be called within eight days of receipt of the petition by the secretary of the university senate.
- (D) Written notice of the time and place of the meeting, the order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least seven days prior to the senate meeting.
- (E) At a time of emergency the president shall have authority to call a special meeting without written notice.
- (F) All senate meetings shall be open to the public.

Senate revision April 13, 1985
Senate revision January 30, 1988
Senate revision May 5, 2001

3335-19-03 Agenda.

- (A) Every meeting of the senate shall have an agenda. The agenda shall include the time and place of the meeting, order of business, and copies of any substantive proposals.
- (B) The program committee shall establish the agenda for all regular meetings. For this purpose, the program committee

- (1) Shall receive proposals for senate action or other presentations to the senate from any committee of the senate, or university committee or council, or member of the senate, or any member of the university community.
- (2) Shall refer all substantive proposals for senate action to appropriate committees for review prior to entering them in an agenda, unless the proposal has been generated in such committee and has been so treated.
- (3) Shall, as soon as practicable, include in the agenda of a regular meeting all items submitted by any committee of the senate, or university committee or council, or member of the senate.
- (4) Shall set the agenda so that the scheduled business can be disposed of in a meeting of reasonable duration.
- (5) Shall include with each agenda an estimate of the time necessary to complete the regularly scheduled business of the senate.
- (6) May advise the senate or steering committee of the apparent need for a special meeting.

In special meetings, the specific purpose set by the initiators of the special meetings shall take precedence over all others. Additional agenda items established by the program committee may follow if time permits.

- (C) The secretary of the university senate shall send and make available electronically copies of the agenda for all senate meetings to all members and alternate members at least seven days prior to the meeting.

Senate revision January 30, 1988
Senate revision June 3, 2000

3335-19-04 Order of business.

- (A) The order of business for all meetings shall be as set forth in the agenda, except that the order of business and allocation of time may be altered by an action approved in the meeting. Upon completion of the business described in the agenda, the regular meetings shall proceed in the following order:
 - (1) Unfinished business
 - (2) New business
 - (3) Comments and announcements
 - (4) Adjournment
- (B) A special meeting shall be limited to the purposes stated in its agenda.

3335-19-05 Floor privileges.

Proposals, measures, and resolutions shall be introduced on the senate floor by members of the senate only. Members of the university community who are not members of the senate may be granted the right to speak, but not to vote, on matters before the senate. When a request is made for this privilege, the chair shall ask the senate for objections and, hearing none, shall grant permission to speak. If objections are raised, the privilege shall be extended only by an action of the senate.

3335-19-06 Quorum and voting.

- (A) A simple majority of the voting membership of the senate shall constitute a quorum for the conduct of the senate's business. The same quorum, a simple majority, shall be required of each committee of the senate.
- (B) Action by the senate shall be by a majority of members present and voting and shall normally be by voice vote, except as otherwise required by these rules or by the latest revision of "Robert's Rules of Order."
- (C) When a division of the senate is taken, the chair shall include the division when announcing the results. (B/T 6/7/2005)

Senate Revision April 6, 1991

3335-19-07 Proposals for senate action.

- (A) Proposals for senate action shall be classified as either routine or substantive, and treated accordingly.
- (B) Routine proposals are those that do not establish or alter university policies, such as approval of the minutes or acceptance of reports or appointment of committee personnel, and include the call of a special meeting. Such proposals may be introduced and acted upon in any meeting, subject only to the test of germaneness.
- (C) Substantive proposals are those that establish or alter an academic program of study, or rules or bylaws within the senate's purview. Substantive proposals shall be:
 - (1) Submitted to the program committee in the complete and exact form intended for senate debate and adoption, and shall be processed by the program committee following rule 3335-19-03 of the Administrative Code, except that proposals for presentation at a special meeting need not be submitted to the program committee. If a substantive proposal is referred to a committee by the program committee or by the senate, and any subsequent suggested changes are not acceptable to the originators of the proposal, then the program committee shall place the original proposal and the suggested changes in the same agenda.
 - (2) Sent to all members and alternate members of the senate as part of the agenda at least seven days prior to the meeting.
 - (3) Moved and seconded by members of the senate and then opened for floor debate. The proposal may then be amended, referred to committee in whole or in part, tabled, postponed, divided, and/or adopted or rejected.
 - (a) Amendments offered in floor debate are classified as minor or substantive. A substantive amendment alters the sense or strength of the original proposal. Determination of the status of an amendment is made by ruling of the chair or by vote of the senate. Classification may be made at the time a motion to amend has been made and seconded or after the senate has voted affirmatively in favor of the motion to amend.
 - (b) If a motion from the floor is passed and is declared to be substantive, it cannot become effective until the next meeting of the senate. At that time it must be reconsidered, unless the committee which submitted the original proposal has requested a continuation from the program committee. In case of a continuation, the program committee shall, as soon as practicable, place the amendment on the agenda for reconsideration. The committee which submitted the original proposal shall be afforded the opportunity to present arguments against the amendment or

to move substitute language for the amendment at the time of reconsideration. If substitute language is approved by the senate, the amendment as modified will become effective at that time. If substitute language is defeated or is not presented, the senate shall vote on reaffirmation of the amendment in the form originally passed except for possible changes of a purely editorial nature. The amendment may be reaffirmed and become effective at that time or it may be defeated. (This section may be set aside by a successful motion to suspend the bylaws of the senate as prescribed in paragraph (C) of rule 3335-19-13 of the Administrative Code.)

- (D) Substitute statements or suggested amendments which are included in an original proposal and distributed in an agenda shall each be acted upon as a substantive proposal.
- (E) Substitute statements or suggested amendments proposed by any senate or university committee or by any member of the senate, shall be received by the program committee and shall be scheduled in the same agenda as the original proposal.
- (F) Prior to a senate vote a proposal that establishes or alters rules or bylaws within the senate's purview shall be reviewed by the rules committee, which may recommend changes in accordance with paragraph (B)(4) of rule 3335-5-47.3 of the Administrative Code.

Senate revision November 13, 1982
Senate revision December 6, 1986
Senate revision April 4, 1987
Senate revision May 5, 2001

3335-19-08 Reports.

- (A) Any member(s) of any committee of the senate may report on any matter before the committee. A report by a minority of one may be denied a hearing by vote of two-thirds of the members of the senate present. A majority of the members of the senate present and voting may require a standing committee to report at the next regular meeting of the senate.
- (B) Written notification of intent to present a report shall be submitted to the program committee at least twelve days preceding the senate meeting. The program committee shall decide whether a written report is required to be included with the senate agenda mailing.
- (C) Reports on which no senate action other than acceptance is requested, may be distributed with the agenda and presented by the secretary of the university senate by reporting the title, source, and date of receipt. If an oral presentation of a written report is to be made at the senate meeting, such oral presentation shall be limited to a short summary of the written report and to responses to questions concerning the report from members of the senate.
- (D) Reports for which written versions are not required by the program committee may be included on the senate agenda. The secretary of the university senate shall be provided with a written synopsis when the report is presented.

Senate revision April 12, 1980
Senate revision June 7, 1980

3335-19-09 Office of the university senate.

There shall be a permanent office of the university senate, administered by the secretary of the university senate, to facilitate the orderly conduct of the meetings of the senate and the work of the committees of the senate. The office shall also be responsible for maintaining liaison between the senate and university committees. The staff shall consist of the secretary of the university senate and at least one full-time recording secretary.

3335-19-10 Attendance.

Members of the senate shall attempt to avoid conflicts between their academic schedule and the meetings of the senate and related committees. In the event of unavoidable conflict, it is expected the members will choose that resolution most favorable to their academic obligations. All members are expected to arrange for attendance by an alternate member at those senate meetings the member is unable to attend.

3335-19-11 Minutes and reports of senate meetings.

- (A) Official minutes of the senate meetings shall be taken and kept by the secretary of the university senate. A secretary's report of action taken at each meeting of the senate shall be sent to all members and alternate members after each meeting, and approved by senate action in a subsequent meeting.
- (B) The official record and minutes of all senate meetings shall be those "Secretary's Reports on Actions of the Senate," together with the appropriate supporting and reference documents, as have been submitted to and accepted by the senate. The secretary shall also have taken and have preserved, for reference purposes, verbatim electronic sound recordings of all proceedings in senate meetings.

Senate revision January 30, 1988

3335-19-12 Transmittal and record of senate actions.

- (A) The secretary of the university senate shall transmit the results of senate actions to the president, board of trustees, and other appropriate agencies.
- (B) The secretary shall maintain and periodically communicate to the members and alternate members of the senate and to the university faculty a record of those actions of the senate having continuing effect, and not published in the "Rules of the University Faculty."
 - (1) At least once each year the secretary shall send a summary of such actions to all members and alternate members of the senate.
 - (2) A permanent record of such actions shall be maintained in the office of the university senate. This record shall be available for review by any member of the university community.

Senate revision November 13, 1982

Senate revision June 6, 1987

3335-19-13 Amendments and suspensions.

- (A) These bylaws may be amended as provided for in rule 3335-5-45 of the Administrative Code. Such proposals shall be substantive proposals (Rule 3335-19-07 of the Administrative Code) and shall be introduced in the agenda of a regular or special meeting.
- (B) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized

to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these bylaws following appropriate action on these title changes by the senate or the board of trustees.

- (C) These bylaws may be suspended for a single and designated purpose. A proposal to suspend a provision of the bylaws may be introduced and acted upon in the same meeting, as a routine proposal, provided that the suspension shall be germane to only one specific proposal, and the suspension is affirmed by a two-thirds vote.

Senate adoption October 9, 1976

Amended May 20, 1978

Amended March 8, 1986

Amended May 3, 1996

Chapter 3335-6

Rules of the university faculty concerning tenure-track faculty appointments, reappointments, promotion and tenure

3335-6-01 General considerations.

- (A) Peer review provides the foundation for decisions regarding faculty appointment, reappointment, and promotion and tenure (except when the provisions of paragraph (H) of rule 3335-6-03 of the Administrative Code are invoked.) Peers are those faculty who can be expected to be most knowledgeable regarding an individual's qualifications and performance--normally tenure initiating unit colleagues. Because of the centrality of peer review to these review processes, faculty vested with responsibility for providing peer review have an obligation to participate fully and knowledgeably in review processes, to exercise the standards established in faculty rule 3335-6-02 of the Administrative Code and other standards specific to the academic unit and discipline, and to make negative recommendations when these are warranted to maintain and improve the quality of the faculty. Recommendations by the faculty vested with the responsibility for providing peer review will be accepted unless they are not supported by the evidence presented regarding how the candidate meets the standards established in faculty rule 3335-6-02 of the Administrative Code and other standards specific to the academic unit and discipline. When, for the reasons just stated, a decision regarding faculty appointment, reappointment, or promotion and tenure differs from the recommendation of the faculty, the administrator or body making that decision will communicate in writing to the faculty body that made the recommendation the reasons that the recommendation was judged not to be supported by the evidence.
- (B) In accordance with a policy of equality of opportunity, decisions concerning appointment, reappointment, and promotion and tenure shall be free of discrimination as to race, creed, religion, national origin, age, sex, disability, or Vietnam-era veteran status, or sexual orientation. (B/T 10/5/84, B/T 4/8/88, B/T 11/2/90, B/T 5/3/96, B/T 6/4/2004)

3335-6-02 Criteria for appointment, reappointment, and promotion and tenure of tenure-track faculty.

- (A) The Ohio state university has as its stated mission "the attainment of international distinction in education, scholarship, and public service." For purposes of faculty performance reviews under these rules "public service" is broadly defined to include administrative service to the university, professional service to the faculty member's discipline, and the provision of professional expertise to public and private entities beyond the university and shall be referred to simply as "service" for the remainder of this chapter. For purposes of faculty performance reviews under these rules "scholarship" is broadly defined to include "research, scholarly, and creative work."

Each tenure initiating unit is responsible for establishing criteria for appointment, reappointment, and promotion and tenure that are consistent with this mission and for ensuring that every faculty appointment, reappointment, and promotion and tenure recommendation is consistent with this mission.

Appointment decisions for regular faculty positions, as defined in rule 3335-5-19 of the Administrative Code, must be based on criteria that reflect strong potential to attain tenure and advance through the faculty ranks. A minimum requirement for appointment at or promotion to the rank of assistant professor or a higher rank is an earned doctorate or other terminal degree in the relevant field of study or possession of equivalent experience. Appointments at the rank of instructor should normally only be made when the offered appointment is that of assistant professor but the appointee has not completed the required terminal degree at the onset of the appointment.

- (B) No faculty member attains tenure automatically. Tenure may be acquired either in the original appointment to the regular tenure-track faculty rank of associate professor or professor or upon promotion from within the university to the rank of associate professor, or following a successful

probationary period at the rank of associate professor or professor (as specified in rule 3335-6-03 of the Administrative Code). Tenure will not be awarded below the rank of associate professor.

- (C) The awarding of tenure and promotion to the rank of associate professor must be based on convincing evidence that the faculty member has achieved excellence as a teacher, as a scholar, and as one who provides effective service; and can be expected to continue a program of high quality teaching, scholarship, and service relevant to the mission of the academic unit(s) to which the faculty member is assigned and to the university. Promotion to the rank of professor must be based on convincing evidence that the faculty member has a sustained record of excellence in teaching; has produced a significant body of scholarship that is recognized nationally or internationally; and has demonstrated leadership in service.
- (D) In evaluating the candidate's qualifications in teaching, scholarship, and service, reasonable flexibility shall be exercised, balancing, where the case requires, heavier commitments and responsibilities in one area against lighter commitments and responsibilities in another. In addition, as the university enters new fields of endeavor, including interdisciplinary endeavors, and places new emphases on its continuing activities, instances will arise in which the proper work of faculty members may depart from established academic patterns. In such cases care must be taken to apply the criteria with sufficient flexibility. In all instances superior intellectual attainment, in accordance with the criteria set forth in these rules, is an essential qualification for promotion to tenured positions. Clearly, insistence upon this standard for continuing members of the faculty is necessary for maintenance and enhancement of the quality of the university as an institution dedicated to the discovery and transmission of knowledge.
- (E) Each tenure initiating unit shall have an appointments, promotion, and tenure document. The document shall describe, in qualitative terms, the unit's criteria for appointments, promotion, and tenure and evidence to be provided to support a case within the context of the unit's mission and the standards set forth in this rule as well as the mission and standards of the college. The document should indicate with some specificity how the quality and effectiveness of teaching, the quality and significance of scholarship, and the quality and effectiveness of service are to be documented and assessed. The document of a tenure initiating unit with regional campus faculty must establish criteria for appointments, promotion, and tenure for these faculty within the context of the regional campuses' mission as well as that of the tenure initiating unit. The document shall also describe the unit's procedures for conducting annual performance reviews of probationary faculty and reviews for promotion and tenure.

The document must be drawn up or amended through broad faculty consultation with all voting members of the tenure initiating unit according to the principles articulated in paragraph (C)(3) of rule 3335-3-35 of the Administrative Code and must be approved by the dean of the college and the executive vice president and provost.

- (F) Each college shall have an appointments, promotion, and tenure document. The document shall describe, in qualitative terms, the college's criteria for appointments, promotion, and tenure within the context of the college's mission and the standards set forth in this rule. The document shall also describe the college's procedures for conducting college level reviews for promotion and tenure.

The document must be drawn up through broad faculty consultation and must be approved by the executive vice president and provost. (B/T 10/5/84, B/T 7/7/89, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005)

3335-6-03 Probationary service, and duration of appointments for tenure-track faculty.

- (A) Probationary periods are established for regular tenure-track faculty members. During a probationary period a faculty member does not have tenure and is considered for reappointment annually.
- (B) Length of probationary period.

- (1) An appointment as professor or associate professor will generally entail tenure. However, a probationary period not to exceed four years may be granted by the office of academic affairs upon petition of the tenure initiating unit and college. For the petition to be approved, a compelling rationale must be provided regarding why appointment at a senior rank is appropriate but tenure is not. All appointments to the rank of associate professor or professor require prior approval of the executive vice president and provost.

An appointment to the rank of instructor is always probationary and may not exceed three years. An instructor must be approved for promotion to assistant professor by the beginning of the third year of appointment or the appointment will not be renewed beyond the end of the third year. When an instructor is promoted to the rank of assistant professor, prior service credit will be granted for time spent as an instructor unless the faculty member indicates in writing at the time of the promotion that he or she does not wish such credit. This written request must be forwarded to the office of academic affairs through the dean of the college so that tenure records may be adjusted accordingly.

An appointment to the rank of assistant professor is always probationary and may not exceed six years, including prior service credit. An assistant professor is reviewed for promotion and tenure no later than the sixth year of appointment as an assistant professor and informed by the end of the sixth year as to whether promotion and tenure will be granted at the beginning of the seventh year.

- (2) Promotion and tenure may be granted at any time during the probationary period when the faculty member's record of achievement merits tenure and promotion. Similarly, a probationary appointment may be terminated at any time subject to the notice provisions of rule 3335-6-08 of the Administrative Code and the provisions of paragraphs (G), (H), and (I) of this rule.
- (3) Probationary tenure-track faculty members will be informed no later than the end of the year in which their mandatory review for tenure takes place as to whether tenure will be granted by the beginning of the following year. If tenure is not granted, a one year terminal year of employment is offered.

(C) Annual review of probationary tenure-track faculty members.

- (1) At the time of appointment, probationary tenure-track faculty members shall be provided with all pertinent documents detailing tenure initiating unit, college, and university promotion and tenure policies and criteria. If these documents are revised during the probationary period, probationary tenure-track faculty members shall be provided with copies of the revised documents.
- (2) During a probationary period a tenure-track faculty member shall be reviewed annually in accordance with this rule and with policies of the tenure initiating unit, college and university. The annual review should encompass the faculty member's performance in teaching, in scholarship, and in service; as well as evidence of continuing development. The involvement of tenure initiating unit faculty in annual reviews is strongly encouraged. External evaluations of the faculty member's work, required for tenure and promotion reviews, may be obtained for any annual review if judged appropriate by the faculty review body or tenure initiating unit chair. The tenure initiating unit chair shall inform probationary faculty members at the time of initial appointment, and in a timely fashion each year thereafter, when the annual review will take place and provide a copy of the office of academic affairs dossier outline to be completed by the faculty member in reporting accomplishments to date. At the completion of the review the tenure initiating unit chair shall provide the faculty member and the dean of the college with a written assessment of the faculty member's performance and professional development. The assessment should include both strengths and weaknesses, as appropriate. If the chair's recommendation is to reappoint the faculty member to another probationary year of service, that recommendation shall be final. A recommendation from the chair to not reappoint the faculty member to another probationary year requires a review that follows fourth year

review procedures (see paragraph (G) of this rule) and the dean shall make the final decision in the matter. All annual review letters to date shall become a part of a faculty member's dossier for subsequent annual reviews during the probationary period, including the review for promotion and tenure.

- (3) When probationary tenure-track faculty receive their annual review, the tenure initiating unit chair shall inform them of their right to review their primary personnel file maintained by their tenure initiating unit and to place in that file a response to any evaluation, comment or other material contained in the file (see rule 3335-3-35 of the Administrative Code).
- (4) The fourth year review of probationary tenure-track faculty shall follow the same process as the review for tenure and promotion at the tenure initiating unit and college levels with two exceptions: Solicitation of external letters of evaluation may or may not be required by the tenure initiating unit and review by the college promotion and tenure committee shall be optional in all cases where both the tenure initiating unit and the dean approve the renewal of the appointment. Renewal of the appointment of a probationary assistant professor for the fifth year requires the approval of the dean of the college. Before reaching a negative decision or a decision contrary to the tenure initiating unit's recommendation, the dean must consult with the college promotion and tenure committee.

(D) Exclusion of time from probationary periods.

- (1) An untenured regular tenure-track faculty member will have time excluded from the probationary period in increments of one year to reflect the caregiving responsibilities associated with the birth of a child or adoption of a child under age six. Department chairs or school directors will inform the office of academic affairs within one year of the birth of a child or the adoption of a child under age six of a probationary faculty member unless the exclusion of time is prohibited by paragraph (D)(3) of this rule. The probationary faculty member may choose to decline the one-year exclusion of time from the probationary period granted for the birth or adoption of a child under six years of age by so informing her/his TIU head, dean, and the office of academic affairs in writing before August 1 of the new mandatory review year following granting of the declination. The exclusion of time granted under this provision in no way limits the award of promotion and tenure prior to the mandatory review year (see paragraph (D)(2) of this rule). The maximum amount of time that can be excluded from the probationary period per birth event or adoption of children under age six is one year.
- (2) A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the usual range of duties associated with being a successful university faculty member, i.e., teaching, scholarship, or service. Requests to exclude time from the probationary period made under the terms of this paragraph must be submitted to the chair of the tenure initiating unit. Requests shall be reviewed by the tenure initiating unit promotion and tenure committee which shall advise the tenure initiating unit chair regarding their appropriateness. Such requests require approval by the tenure initiating unit chair, dean, and executive vice president and provost. A request to exclude time from the probationary period for any of these reasons must be made prior to October 1 of the year in which the mandatory review for tenure must occur. The extent to which the event leading to the request was beyond the faculty member's control, the extent to which it interfered with the faculty member's ability to be productive, and the faculty member's accomplishments up to the time of the request will be considered in the review of the request.
- (3) A request to exclude time from the probationary period for any reason will not be granted after a nonrenewal notice has been issued nor will previously approved requests to exclude time from the probationary period in any way limit the university's right not to renew a probationary appointment.
- (4) Except in extraordinary circumstances a maximum of three years can be excluded from the

probationary period for any reason or combination of reasons for an instructor, assistant professor or associate professor. Exceptions require the approval of the tenure initiating unit chair, dean, and executive vice president and provost.

- (5) Tenure-track faculty members will be reviewed annually during their probationary periods regardless of whether time is excluded from that period for any of the above reasons unless their absence from campus during an excluded period makes conduct of such a review impractical.
- (6) For purposes of performance reviews of probationary faculty, the length of the probationary period is the actual number of years of employment at this university less any years of service excluded from the probationary period under the terms of this rule. Expectations for productivity during the probationary period cannot be increased as a consequence of exclusions of time granted under the terms of this rule.
- (E) Service credit of up to three years may be granted for prior work experience at the time of the initial appointment and requires the approval of the tenure initiating unit chair, dean, and executive vice president and provost. Prior service credit shortens a probationary period by the amount of the credit and once granted cannot be revoked except through an approved request to exclude time from the probationary period. Prior service credit will not be granted for employment in any auxiliary title (such as adjunct, visiting, clinical, or lecturer), special title (such as graduate associate) or part-time position (less than fifty per cent service).
- (F) Probationary regular tenure-track faculty members on less than full-time service for part or all of their probationary period may request an extension of the probationary period. The extension must be requested prior to the beginning of the year in which the normally scheduled mandatory review for tenure would take place and requires approval of the tenure initiating unit chair, dean, and executive vice president and provost. The extension shall be for an integral number of years based on the principle that the usual probationary period represents full-time service. The maximum permissible extension of a probationary period under this paragraph is one year for a probationary instructor, three years for a probationary assistant professor (including time spent at the rank of instructor) and one year for a probationary associate professor or professor.
- (G) Probationary appointments may be terminated during any probationary year because of inadequate performance or inadequate professional development. At any time other than the fourth year review or mandatory review for tenure, a nonrenewal decision must be based on the results of a formal performance review conducted in accord with fourth year review procedures as set forth in paragraph (C)(3) of this rule. Notification of nonrenewal must be consistent with the standards of notice set forth in rule 3335-6-08 of the Administrative Code.
- (H) Probationary appointments may be terminated for fiscal or programmatic reasons. When nonrenewal is based on fiscal or programmatic reasons, the faculty member should be advised that such nonrenewal is a possibility and formal notice of nonrenewal should be provided as soon as possible after the need for nonrenewal is established. Nonrenewal of a probationary appointment for fiscal or programmatic reasons does not entail a performance review and requires the prior approval of the executive vice president and provost. Because hiring decisions should be based on informed assumptions regarding the future availability of resources and of programmatic needs, approval of such nonrenewals will be based on the extent to which convincing evidence is provided that the fiscal or programmatic reasons for the nonrenewal could not be anticipated when the appointment was made and are expected to be long lasting.
- (I) Decisions affecting the nonrenewal of a probationary appointment may not be arbitrary or capricious or carried out in violation of a faculty member's right to academic freedom. Faculty rule 3335-5-05 of the Administrative Code provides a procedural mechanism under which an aggrieved probationary faculty member can challenge a nonrenewal decision believed to have been improper. In that instance, however, the burden of proof is on the probationary faculty member to establish that the nonrenewal decision was improper. (See also rule 3335-6-05 of

the Administrative Code). (B/T 10/5/84, B/T 7/10/87, B/T 11/2/90, B/T 4/8/94, B/T 7/7/95, B/T 5/3/96, B/T 4/4/97, B/T 2/6/98, B/T 6/5/98, B/T 12/4/98, B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005, B/T 3/2/2007)

3335-6-04 Promotion and tenure review procedures for tenure-track faculty.

(A) General considerations.

- (1) In consultation with the rules committee or its designee, the office of academic affairs shall develop and promulgate procedural guidelines for promotion and tenure reviews to supplement Chapter 3335-6 of the Administrative Code. These guidelines shall include a dossier outline to be used for the documentation of accomplishments by all candidates to be reviewed for promotion and tenure and by all probationary tenure-track faculty for annual reviews. The guidelines shall also include general information about the review process at the college and university level, information about any legal considerations affecting promotion and tenure evaluations, examples of criteria by which candidates for promotion and tenure are evaluated, and other information intended to assist academic units in carrying out reviews.
- (2) All candidates for promotion and tenure are reviewed by the eligible faculty and by the chair of their tenure initiating unit. Candidates will also be reviewed at the college and university levels. The tenure initiating unit chair is responsible for informing the candidate in writing of the provost's final decision (if negative) or recommendation to the board of trustees (if positive).
- (3) The review for tenure during the final year of a probationary period is mandatory and must take place.

A faculty member may ask to be considered for nonmandatory promotion and tenure review or for promotion review at any time; however, the tenure initiating unit promotion and tenure committee may decline to put forth a faculty member for formal nonmandatory promotion and tenure review or promotion review if the candidate's accomplishments are judged not to warrant such review. The promotion and tenure committee may not deny a tenured faculty member a formal review for promotion more than three consecutive years.

- (4) Only the candidate may stop any review for promotion and tenure once external letters of evaluation have been sought. The candidate may withdraw from review at any stage of the process by so informing the tenure initiating unit chair in writing. If the review process has moved beyond the tenure initiating unit, the tenure initiating unit chair shall inform the dean or the executive vice president and provost, as relevant, of the candidate's withdrawal. Withdrawal from the mandatory tenure review during the final probationary year means that tenure will not be granted.

(B) Review procedures at the tenure initiating unit level.

- (1) Each tenure initiating unit shall establish a mechanism such as a promotion and tenure committee, for presenting the case of a candidate for promotion and tenure to the eligible faculty for consideration and for preparing a report for the tenure initiating unit chair providing the eligible faculty's assessment of quality and effectiveness of teaching, quality and significance of scholarship, and quality and effectiveness of service. With the exception noted below, eligible faculty are tenured faculty of higher rank than the candidate excluding the tenure initiating unit chair, the dean and assistant and associate deans of the college, the executive vice president and provost, and the president. For tenure reviews of probationary professors, eligible faculty are tenured professors excluding the tenure initiating unit chair, the dean and assistant and associate deans of the college, the executive vice president and provost, and the president.
- (2) The candidate shall have primary responsibility for preparing, according to office of academic affairs guidelines, a dossier documenting his or her accomplishments.

- (3) The tenure initiating unit chair or chair of the promotion and tenure committee shall be responsible for gathering internal evidence of the quality and effectiveness of teaching, quality and significance of scholarship, and quality and effectiveness of service from students and peers, as appropriate, within the tenure initiating unit. The tenure initiating unit chair or chair of the promotion and tenure committee shall also be responsible for obtaining letters from external evaluators and from other units at this university in which the candidate has appointment or substantial professional involvement, whether compensated or not. Some of the external evaluators should be suggested by the candidate and some by the department chair or promotion and tenure committee; no more than one-half of the letters contained in the final dossier should be from persons suggested by the candidate. All solicited letters that are received must be included in the dossier. Unsolicited letters of evaluation or letters of evaluation solicited by anyone other than the above authorized persons may not be included in the dossier.
 - (4) The eligible faculty shall review the candidate's dossier describing accomplishments in teaching, scholarship, and service and shall vote on the candidate. A report of the faculty assessment, including both strengths and weaknesses, and the numerical vote of the faculty shall be forwarded to the tenure initiating unit chair for inclusion in the dossier.
 - (5) The chair shall prepare a separate written assessment of the case and recommendation for the dean for inclusion in the dossier. As soon as the faculty report and chair's letter have been completed, the candidate should be notified in writing of the completion of the tenure initiating unit review and of the availability of these reports. The candidate may request a copy of these reports. The candidate may provide the tenure initiating unit chair with written comments on the tenure initiating unit review for inclusion in the dossier within ten calendar days of notification of the completion of the review. The promotion and tenure committee and/or chair may provide written responses to the candidate's comments for inclusion in the dossier. Only one iteration of comments on the departmental level review is permitted.
 - (6) The tenure initiating unit chair shall forward the dossier with all internal and external evaluations, candidate comments on the tenure initiating unit review and promotion and tenure committee and/or chair responses to those comments, if any, to the dean of the college.
- (C) Review procedures at the college and university level.
- (1) The purposes of promotion and tenure reviews beyond the tenure initiating unit shall be:
 - (a) To determine whether the tenure initiating unit has conducted its review and reached a recommendation consistent with university, college, and tenure initiating unit standards, criteria, policies, and rules. A faculty review body or administrator at the college or university level may make a recommendation that is contrary to that of the tenure initiating unit if, in its judgment, the tenure initiating unit recommendation is not consistent with those standards, criteria, policies, and rules.
 - (b) To determine where the weight of the evidence lies in cases in which there is not a clear or consistent recommendation from lower levels of review.
 - (2) The dean of a college shall have a standing faculty promotion and tenure committee which is advisory to the dean. Members shall not participate in the review of cases from their own departments. The college promotion and tenure committee shall prepare a written report of its assessment and vote for inclusion in the dossier. The dean shall prepare a separate written assessment of the case and recommendation for the provost for inclusion in the dossier. As soon as the college promotion and tenure committee report and dean's letter have been completed, the candidate should be notified in writing of the completion of the college level review and of the availability of these reports. The candidate may request a copy of these reports. The candidate may provide the dean with written comments on the college review for inclusion in the dossier within ten calendar days of notification of the

completion of the review. The college promotion and tenure committee and/or dean may provide written responses to the candidate's comments for inclusion in the dossier. Only one iteration of comments on the college level review is permitted. The dean shall forward the dossier, along with all evaluations and reports, to the provost.

- (3) The executive vice president and provost shall have a standing faculty promotion and tenure committee which is advisory to the provost. Members shall not participate in the review of cases from their own departments. Normally, the provost shall refer cases to this committee for advice only when there is concern regarding the appropriateness of lower level recommendations, when there are unclear or inconsistent recommendations from previous levels of review, or when all previous recommendations are negative. The university promotion and tenure committee shall prepare a written report of its assessment and vote for inclusion in the dossier.

(D) Modification of review processes for alternative administrative structures.

- (1) Regional campus faculty shall be reviewed by the faculty and dean and director on the appropriate campus using procedures established on each campus. This review shall focus primarily on the faculty member's contributions in teaching and service. The dean and director shall forward the report of the regional campus faculty and his or her recommendation to the chair of the faculty member's tenure initiating unit and inform the candidate of his or her recommendation. The review shall proceed as described in paragraphs (A) through (C) of this rule with the understanding that the relative weight of teaching and service is ordinarily greater on regional campuses.
- (2) If the college is the unit responsible for initiating tenure and promotion recommendations, it should follow the annual review and promotion and tenure procedures described for tenure initiating units. The dean shall forward the annual review letter or promotion and tenure dossier to the executive vice president and provost.
- (3) Schools follow the procedures established for tenure initiating unit reviews unless they contain departments that are tenure initiating units. In the latter case, the tenure initiating unit chair shall forward dossiers to the school director. The director shall forward the dossier, with his or her recommendation, to the dean of the college.
- (4) A subdivision within a tenure initiating unit may contribute to the evaluation of faculty members as provided for in the tenure initiating unit's appointments, promotion, and tenure document, but this review may not substitute for a review by the tenure initiating unit eligible faculty and chair. (B/T 10/5/84, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 6/5/98, B/T 12/4/98, B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005)

3335-6-05 Criteria and procedures for appeals of negative promotion and tenure decisions and reappointment nonrenewals and for seventh year reviews for tenure-track faculty.

- (A) Appeals. It is the policy of the Ohio state university to make decisions regarding the renewal of probationary appointments and promotion and tenure in accordance with the standards, criteria, policies, and procedures stated in these rules, supplemented by additional written standards, criteria, policies, and procedures established by tenure initiating units and colleges. If a candidate believes that a nonrenewal decision or negative promotion and tenure decision has been made in violation of this policy and therefore alleges that it was made improperly, the candidate may appeal that decision. Procedures for appealing a decision based on an allegation of improper evaluation are described in rule 3335-5-05 of the Administrative Code.
- (B) Seventh year reviews. Every effort should be made to consider new information about a candidate's performance before a final decision is made if the new information becomes available before a decision is rendered. In rare instances, a tenure initiating unit may petition the dean to conduct a seventh year review for an assistant professor who has been denied promotion and tenure. Both the eligible faculty of the unit and the chair must approve proceeding with a petition for a seventh year review. The petition must provide documentation

of substantial new information regarding the candidate's performance that is germane to the reasons for the original negative decision. Petitions for seventh year reviews must be initiated before the beginning of the last year of employment because the seventh year review, if approved, would take place during the regular university review cycle of the assistant professor's seventh and last year of employment.

If the dean concurs with the tenure initiating unit's petition, the dean shall in turn petition the provost for permission to conduct a seventh year review. If the provost approves the request, a new review will be conducted equivalent to the one that resulted in the nonrenewal of the appointment. The conduct of a seventh year review does not presume a positive outcome. In addition, should the new review result in a negative decision, the faculty member's last day of employment is that stated in the letter of nonrenewal issued following the original negative decision.

A tenure-track faculty member may not request a seventh year review, appeal the denial of a seventh year review petition initiated by his or her tenure initiating unit, or appeal a negative decision following a seventh year review, since the faculty member has already been notified that tenure has been denied at the conclusion of the sixth year review. (B/T 10/5/84, B/T 11/2/90, B/T 5/3/96, B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005)

3335-6-06 Tenure initiating unit.

- (A) A tenure initiating unit is a division, department, school, or college approved by the council on academic affairs, the university senate, and the board of trustees. A tenure initiating unit has the following responsibilities for all faculty members assigned to it: to assist in professional development; to evaluate; to maintain official personnel records; and to initiate promotion, tenure, reappointment, and nonrenewal recommendations. The office of academic affairs shall be responsible for maintaining the official list of tenure initiating units.
- (B) A single division, department, school, or college must serve as the tenure initiating unit for each tenure-track faculty member, including individuals with multiple appointments. Multiple appointments to the tenure-track faculty totaling fifty per cent or more of service to the university shall be considered to be the same as a single appointment of fifty per cent or more for the purpose of determining eligibility for tenure.
- (C) A faculty member may change from one tenure initiating unit to another voluntarily; or as a result of the restructuring of academic units, including consolidation, reorganization, or abolishment; or as a result of the abolishment of a tenure initiating unit during conditions of financial exigency. The following provisions govern such changes:
 - (1) A faculty member may voluntarily move from one tenure initiating unit to another upon approval of a simple majority of all tenured faculty members in the receiving tenure initiating unit and, following consultation with the appropriate dean(s), the executive vice president and provost. Administrative approval will be dependent on whether satisfactory fiscal arrangements for the change have been made.
 - (2) A faculty member's tenure initiating unit may be changed as a result of structural changes in academic units, including consolidation or reorganization of units, or abolishment of units, that are approved by the university senate and board of trustees.
 - (a) When academic units are to be consolidated or reorganized, resulting in the creation of one or more new tenure initiating units, the plan for relocating faculty to the new tenure initiating units shall be part of the approved restructuring proposal. Change in tenure initiating unit resulting from the consolidation or reorganization of academic units shall not require the consent of individual faculty members whose tenure initiating unit is changed. In addition, since a receiving unit does not exist when new units are being created, no vote of such a unit will be required in relocating faculty.

- (b) When a tenure initiating unit is to be abolished and is not part of a plan to consolidate or reorganize two or more units into new tenure initiating units, every effort shall be made by the executive vice president and provost to transfer each tenure-track faculty member in that tenure initiating unit to another tenure initiating unit, in accordance with the provisions of paragraph (C) of this rule. Should such agreement be impossible, the person's tenure responsibility shall reside with the executive vice president and provost. The executive vice president and provost shall assign the faculty member appropriate duties. If the faculty member's previous assignment has been at a regional campus, the executive vice president and provost shall consult with the dean and director of the regional campus regarding an appropriate assignment.
- (3) A tenure-track faculty member whose tenure initiating unit is abolished during conditions of financial exigency, as described in rule 3335-5-02.1 of the Administrative Code, may be reassigned to a new tenure initiating unit under the terms of paragraph (C)(1) of rule 3335-5-02.2 of the Administrative Code.
- (D) When tenure-track faculty members change tenure initiating units under paragraphs (C)(2) and (C)(3) of this rule, the new tenure initiating units shall make reasonable efforts to assist faculty members in adjusting to the expectations of the new unit. Faculty members who believe that some other unit may be more appropriate than their new tenure initiating unit may also explore the possibility of further relocation under the terms of paragraph (C)(1) of this rule. (B/T 10/5/84, B/T 11/2/90, B/T 2/1/91, B/T 2/4/94, B/T 5/3/96, B/T 4/4/97, B/T 3/6/98, B/T 12/4/98, B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005)

3335-6-07 Campus assignment.

- (A) Every member of the faculty shall be assigned to serve on one of the university's campuses: the central campus in Columbus, the regional campuses in Lima, Mansfield, Marion, and Newark, or the agricultural technical institute (Wooster).
- (B) Decisions regarding the selection, assignment, responsibilities, salary, assessment, and promotion of a regional campus faculty member should involve full cooperation between the tenure initiating unit and the regional campus administration. All formal personnel recommendations must bear the signatures of the chair of the tenure initiating unit, the dean of the college of the tenure initiating unit, the dean and director of the regional campus, and the executive vice president and provost or designee.
- (C) Campus reassignment may occur only with the voluntary consent of the faculty member, and with the approval of the executive vice president and provost and that of a simple majority of all tenured faculty members in the transferee's tenure initiating unit when the reassignment is from a regional campus to the Columbus campus or all tenured faculty members on the receiving regional campus when the transfer is to a regional campus. Administrative approval will be dependent on whether satisfactory fiscal arrangements for the change have been made. (B/T 10/5/84, B/T 10/4/85, B/T 2/6/87, B/T 11/2/90, B/T 2/1/91, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 6/4/2004)

3335-6-08 Standards of notice.

- (A) In cases of nonrenewal of an appointment to a regular tenure-track faculty rank, the university will, insofar as possible, observe the following standards of notice:
 - (1) Not later than March first of the first academic year of probationary service, if the appointment expires at the end of that year; or if a one-year appointment expires during an academic year, at least three months in advance of its expiration;
 - (2) Not later than December fifteenth of the second academic year of probationary service, if the appointment expires at the end of that year; or if an appointment expires during the second academic year, at least six months in advance of its expiration; and

- (3) At least twelve months before the expiration of an appointment after two or more years in the institution.
- (B) These standards of notice need not apply in cases of termination for cause.
- (C) In the event of a decision resulting in nonrenewal, the chair shall notify the faculty member in writing of that decision and the reasons for it.
- (D) Decisions regarding renewal of members of the auxiliary faculty (adjunct, clinical, visiting titles, or lecturers) are made annually in accordance with criteria and procedures of the appointing instructional unit and in accordance with university policies relative to auxiliary faculty positions. (B/T 10/5/84, B/T 7/10/87, B/T 5/3/96, B/T 6/4/2004, B/T 6/7/2005)

3335-6-09 Exceptions.

Any unit which believes that there is a reason for it to have policies and procedures differing from those set out in this chapter may request an exception. The request must be approved by the procedures established in the unit's pattern of administration and by the dean of the college, after broad and meaningful consultation with the unit's tenure-track faculty. The request will then be submitted to the executive vice president and provost and, if approved, to the university senate for approval. (B/T 10/5/84, B/T 5/4/89, B/T 7/6/90, B/T 11/2/90, B/T 3/6/92, B/T 4/8/94, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 7/12/2002, B/T 6/4/2004)

Chapter 3335-7

Rules of the university faculty concerning regular clinical track faculty appointment, reappointment and nonreappointment, and promotion

3335-7-01 Definition.

Regular clinical track faculty appointments are fixed term contract appointments that do not entail tenure. Regular clinical track faculty are teacher/practitioners and shall be engaged primarily in teaching activities related to: a) courses or instructional situations involving live patients or live clients, b) courses or instructional situations involving the simulation of live patients or live clients, or c) courses or instructional situations involving professional skills. (B/T 7/12/2002, B/T 6/4/2004)

3335-7-02 Titles.

The term "regular clinical track faculty" exists for the purpose of recording this type of appointment in the university's employment system data base.

If individual colleges, schools, and departments with regular clinical track faculty wish to provide clinical faculty with faculty-rank titles, then whatever title is used must be distinct from tenure-track titles (see paragraph (A) of rule 3335-5-19 of the Administrative Code). Examples include, but are not limited to, professor of clinical (name of college, school, or department) and associate professor of professional practice. (B/T 7/12/2002, B/T 6/4/2004, B/T 6/1/2007)

3335-7-03 Appointment cap.

Unless an exception is approved by the university senate and the board of trustees, regular clinical track faculty may comprise no more than forty percent of the total regular tenure-track faculty (as defined in rule 3335-5-19 of the Administrative Code) in each of the departments, schools, and colleges of the health sciences and no more than twenty percent of the tenure-track faculty in other departments, schools, and colleges. (B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005)

3335-7-04 Proposals and approval process.

(A) Proposals to establish or amend a regular clinical faculty track in a college or school reporting directly to Office of Academic Affairs (OAA) must be submitted to the provost by the dean of the college or director of the school reporting directly to OAA.. Proposals must include a clear rationale for establishing a regular clinical faculty track and address how the terms and conditions of the appointments will be consistent with the rules set forth in Chapter 3335-7 of the Administrative Code, what titles will be given to regular clinical track faculty, and what department and college governance rights will be extended to regular clinical track faculty. Regular clinical track faculty may not participate in the promotion and tenure reviews of tenure-track faculty. In addition, proposals must include the following components:

- (1) A definition of the role in teaching and scope of professional practice duties of clinical track faculty, identifying specifically how those differ from duties of tenure-track faculty;
- (2) Identification of the requirements for a clinical track faculty appointment, including appropriate terminal degrees and any credential or licensure requirements; and
- (3) A list of courses that could be taught by clinical track faculty and the relationship of those courses to the general curriculum. The expectation would be that clinical track faculty should teach primarily courses involving professional practice in the clinical setting or courses designed to teach professional skills.

Proposals must comply with any additional guidelines promulgated by the council on academic affairs and will be reviewed according to criteria specified by the council on academic affairs.

(B) With the exception of changes to existing titles, proposals from a college or school

reporting directly to OAA to establish or amend a regular clinical faculty track must be approved by a majority of the tenure-track faculty of the college or school reporting directly to OAA proposing to have a regular clinical faculty track, by the dean of the college or school reporting directly to OAA, by the executive vice president and provost, by the university senate, and by the board of trustees. The executive vice president and provost will transmit all proposals to the council on academic affairs, which will review proposals and make a recommendation to the university senate. Title changes must be consistent with rule 3335-7-02 of the Administrative Code, but need only be approved by a majority of the regular tenure track faculty and dean of the college or director of the school reporting directly to OAA proposing the amendment. (B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005, B/T 6/1/2007)

3335-7-05 Criteria for appointment, for reappointment and nonreappointment, and for promotion.

Regular clinical track faculty may be appointed by colleges that do not have schools or departments and by schools and departments in colleges that have such subunits. The criteria for appointment, for reappointment and nonreappointment, and for promotion for regular clinical track faculty shall be established by the college, school, or department making such appointments and shall be set forth in that unit's appointments, promotion, and tenure document. The criteria must be consistent with the rationale for having a regular clinical faculty track in the unit in question and must be distinct from the criteria for tenure-track faculty appointments. However, normally regular clinical track faculty will have an earned doctorate or other terminal degree in the relevant field or equivalent experience. The criteria for appointment, for reappointment and nonreappointment, and for promotion should reflect the importance of the responsibilities of regular clinical track faculty. (B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005)

3335-7-06 Procedures for appointment.

Procedures for appointment of regular clinical track faculty shall be established by the college, school, or department making such appointments and shall be set forth in that unit's appointments, promotion, and tenure document. Appointments at the rank of associate professor or professor require prior approval of the office of academic affairs. (B/T 7/12/2002, B/T 6/4/2004)

3335-7-07 Term of appointment.

- (A) Contracts must be for a period of at least three years and for no more than five years.
- (B) The initial contract is probationary and a faculty member will be informed by the end of each probationary year as to whether he or she will be reappointed for the following year. By the end of the second to final year of the probationary contract, the faculty member will be informed as to whether a new contract will be extended at the conclusion of the probationary contract period. In the event that a new contract is not extended, the final year of the probationary contract is the terminal year of employment. There is no presumption that a new contract will be extended. In addition, the terms of a contract may be renegotiated at the time of reappointment.
- (C) During and until the end of the second and subsequent contract periods, regular clinical track faculty appointments may only be terminated for cause (see rule 3335-5-04 of the Administrative Code) or financial exigency (see rule 3335-5-02.1 of the Administrative Code) and the termination decision for either of these reasons shall result from procedures established by faculty rules. In addition, a contract may be renegotiated during a contract period only with the voluntary consent of the faculty member. By the end of the penultimate year of each contract period, the faculty member will be informed as to whether a new contract will be extended at the conclusion of the current contract period. If a new contract is not extended, the final year of the current contract is a terminal year of employment. There is no presumption that a new contract will be extended. In addition, the terms of a contract may be renegotiated at the time of reappointment.
- (D) The standards of notice set forth in rule 3335-6-08 of the Administrative Code apply to regular clinical faculty track appointments. (B/T 7/12/2002, B/T 6/4/2004, B/T 6/7/2005)

3335-7-08 Annual review, reappointment/nonreappointment, and promotion review procedures.

The procedures for reviewing regular clinical track faculty annually and for reappointment/nonreappointment and promotion shall be set forth in the relevant college, school or department appointments, promotion, and tenure document and shall be consistent with review procedures established for tenure-track faculty, including those set forth in rules 3335-6-03 and 3335-6-04 of the Administrative Code with the following exceptions:

- (A) The college dean's decision shall be final with respect to reappointment and nonreappointment and with respect to denial of promotion; and
- (B) External evaluations are optional. (B/T 7/12/2002, B/T 6/4/2004)

3335-7-09 Transfers from the tenure track to the regular clinical track.

A college, school, or department may provide for the possibility of transfers from the tenure faculty track to the regular clinical faculty track if appropriate to its circumstances. A unit that permits transfers must abide by the following:

- (A) The request for transfer must be initiated by the faculty member in writing and must state clearly how the individual's career goals and activities have changed;
- (B) When a tenured faculty member transfers to the regular clinical faculty track, tenure is lost; and
- (C) All transfers must be approved by the school director or department chair, the college dean, and the executive vice president and provost. (B/T 7/12/2002, B/T 6/4/2004)

3335-7-10 Transfers from the regular clinical faculty track to the tenure-track.

Transfers from the regular clinical track faculty track to the tenure-track are not permitted. Regular clinical track faculty may apply for tenure-track positions and compete in regular national searches for such positions. (B/T 7/12/2002, B/T 6/4/2004, B/T/ 6/7/2005)

Rules of the university faculty concerning research track faculty
appointment and nonreappointment, and promotion

3335-7-30 Definition.

Regular research track faculty appointments are fixed term contract appointments that do not entail tenure. Research track faculty are researchers and shall be engaged in research related to the mission and goals of the academic unit. (B/T 6/4/2004)

3335-7-31 Titles.

The term "regular research track faculty" will exist solely for the purpose of recording this type of appointment in the university's employment system database. Titles will be research professor of (name of college, school or department), research associate professor, research assistant professor. (B/T 6/4/2004)

3335-7-32 Criteria for appointment, for reappointment and non-reappointment, and for promotion.

With tenure track faculty majority approval, regular research track faculty may be appointed by colleges that do not have schools or departments and by schools and departments in colleges that have such subunits. Unless otherwise authorized by a majority vote of the tenure-track faculty in a unit, regular research track faculty must comprise no more than twenty per cent of the number of tenure-track faculty in the unit. In all cases, however, the number of regular research track faculty positions in a unit must constitute a minority with respect to the number of tenure-track faculty in the unit.

The criteria for appointment, reappointment and nonreappointment, and for promotion for regular research track faculty shall be established by the college, school or department making such appointments and shall be set forth in that unit's appointments, promotion and tenure document and approved by a majority vote of the regular tenure-track faculty of the unit and approved by the office of academic affairs. The criteria must be distinct from the criteria for tenure-track faculty appointments and cannot require classroom teaching. Regular research track faculty will have an earned doctorate or other terminal degree in the relevant field. The criteria for appointment, for reappointment and nonreappointment, and for promotion should reflect the preponderance of responsibilities being in research activities. (B/T 6/4/2004)

3335-7-33 Procedures for appointment.

Procedures for appointment of regular research track faculty shall be established by the college, school or department making such appointments and set forth in that unit's appointments, promotion, and tenure document and approved by a vote of the regular tenure-track faculty of the unit and the office of academic affairs. Appointments at the rank of research associate professor or research professor require prior approval of the relevant college and the office of academic affairs. (B/T 6/4/2004)

3335-7-34 Duties and responsibilities.

The primary duty of regular research track faculty is to conduct research. A research track faculty member may, but is not required to, participate in limited educational activities in the area of his or her expertise. However, teaching opportunities for each research track faculty member must be approved by a majority vote of the TIU's regular tenure-track faculty. Under no circumstances may a member of the research track faculty be continuously engaged over an extended period in the same instructional activities as tenure-track faculty. An appointment to a research track faculty position should not be made to displace or make unnecessary an appointment to a tenure-track faculty position. (B/T 6/4/2004, B/T 6/7/2005)

3335-7-35 Term of appointment.

- (A) Contracts will be for a period of at least one year and for no more than five years.
- (B) Contracts must explicitly state the expectations for salary support and generally will require one hundred per cent salary recovery. It is expected that salary recovery/support will be derived from extramural funds.
- (C) The initial contract is probationary, and a faculty member will be informed by the end of each probationary year as to whether he or she will be reappointed for the following year. By the end of the penultimate year of the probationary contract, the faculty member will be informed as to whether a new contract will be extended at the conclusion of the probationary contract period. In the event that a new contract is not extended, the final year of the probationary contract is the terminal year of employment. There is no presumption that a new contract will be extended. In addition, the terms of a contract may be renegotiated at the time of reappointment.
- (D) During and until the end of the second and subsequent contract periods, regular research track faculty appointments may be terminated for not meeting the terms of the contract (e.g. failure to obtain extramural support for the research). Appointments may also be terminated during a contract period for cause (see rule 3335-5-04 of the Administrative Code), or financial exigency (see rule 3335-5-02.1 of the Administrative Code), and the termination decision for either of these reasons shall result from procedures established by faculty rules. In addition, a contract may be renegotiated during a contract period only with the voluntary consent of the regular research track faculty member. By the end of the penultimate year of each contract period, the regular research track faculty member will be informed as to whether a new contract will be extended at the conclusion of the current contract period. If a new contract is not extended, the final year of the current contract is a terminal year of employment. There is no presumption that a new contract will be extended. In addition, the terms of a contract may be renegotiated at the time of reappointment.

- (E) The standards of notice set forth in rule 3335-6-08 of the Administrative Code apply to regular research faculty track appointments. (B/T 6/4/2004, B/T 6/7/2005)

3335-7-36 Annual review, reappointment/nonreappointment, and promotion review procedures.

The procedures for reviewing regular research track faculty annually and for reappointment/nonreappointment and promotion shall be set forth in the relevant, tenure-track faculty approved, college, school or department appointments, promotion and tenure document and shall be consistent with review procedures established for tenure-track faculty including those set forth in rules 3335-6-03 and 3335-6-04 of the Administrative Code except that the college dean's decision shall be final with respect to reappointment and non-reappointment and with respect to denial of promotion. (B/T 6/4/2004)

3335-7-37 Governance rights.

Governance rights within a tenure-initiating unit (TIU) at the local level will be determined by the TIU and will require a vote of its eligible faculty. Research track faculty will be eligible to serve on university committees and task forces but not on university governance committees.

Research track faculty will also be eligible to advise and supervise graduate and postdoctoral students and to be a principal investigator on extramural research grant applications. Approval to advise and supervise graduate students must be obtained from the graduate school as set forth in rule 3335-5-29 and detailed in the graduate school handbook.

Research track faculty will not be eligible to vote on the promotion and tenure of tenure-track faculty or regular clinical track faculty. (B/T 6/4/2004)

3335-7-38 Transfers from the tenure track to the regular research track.

A college, school or department may provide for the possibility of transfer from the tenure faculty track to the research track if appropriate to its circumstances and if provided for in the unit's appointments, promotion and tenure document. A unit that permits transfers must abide by the following:

- (A) The request for transfer must be initiated by the tenure-track faculty member in writing and must state clearly how the individual's career goals and activities have changed.
- (B) When a tenured faculty member transfers to the regular research track, tenure is relinquished.
- (C) The school director or department chairperson, the college dean, and the executive vice president and provost must approve all transfers. (B/T 6/4/2004)

3335-7-39 Transfers from the regular research track to the tenure track.

Transfers from the regular research track to the tenure track are not permitted. However, regular research track faculty may apply for tenure-track positions and compete in regular national searches for such positions. (B/T 6/4/2004)

3335-7-40 Oversight.

The office of academic affairs will submit an annual report to the university senate detailing the number, funding source, and TIU of regular research track appointments that have been made the previous year. Also included in the report will be the conditions of the appointments including fiscal arrangements. In unusual circumstances, salaries of research track faculty may be paid on a temporary basis from funds other than those generated from tuition and subsidy. (B/T 6/4/2004, B/T 6/7/2005)

Chapter 3335-8

RULES OF THE UNIVERSITY FACULTY INSTRUCTION

Courses and Curricula

3335-8-01 Courses and curricula; definition.

- (A) A course is the unit of instruction or research through which the educational program of the university is offered to its students.
- (B) A curriculum is a program of courses leading to a certificate, a degree, or to entry into a professional college, school or a professional division of a college or a school.

3335-8-02 Courses and curricula; establishment, alteration or abolition.

- (A) All proposals for the establishment, alteration and abolition of courses and curricula must be submitted to the council on academic affairs. Such proposals shall follow the procedure outlined in rule 3335-5-48.1 of the Administrative Code and shall be subject to review by the president and the board of trustees.
- (B) If any change in courses or curricula requires an addition to the teaching staff, it shall not be authorized until approved in writing by the executive vice president and provost. (B/T 4/4/97, B/T 12/4/98)

3335-8-03 Procedure.

Proposals for establishing new courses or curricula for alterations in existing courses or curricula shall originate in the departments or schools and, in the case of departments, shall be subject to acceptance, revision, or rejection by the college or school of which those departments are a part. Proposals of departments, if approved by the college, and those of schools shall be submitted to the council on academic affairs. The council on academic affairs shall refer all courses involving graduate credit to the curriculum committee of the graduate school, which shall subsequently notify the council on academic affairs of the action taken in respect to acceptance of such proposed courses for credit toward graduate degrees. The council on academic affairs shall then take final action on the proposals in accordance with rule 3335-8-02 of the Administrative Code, keeping in mind the entire program of the department, the school, the college, and the university.

3335-8-04 Adoption of approved courses.

In determining credit for the degrees for which they are individually responsible, the several colleges, schools, and the graduate school shall have full authority to accept or to reject courses approved pursuant to rule 3335-8-03 of the Administrative Code. In the event that a college, school, or the graduate school determines to accept a course so approved, that course shall carry those conditions and credits which have been prescribed by the council on academic affairs.

3335-8-05 University classification and course numbering system.

- (A) Courses numbered 000-099 are non-credit courses (except certain seminars and colloquia) for orientation, remedial, or other noncollege-level experiences. These are courses with credit added to graduation requirements.
- (B) Courses numbered 100-199 are basic courses providing undergraduate credit, but not to be counted on a major or field of specialization in any department. Courses at this level are beginning courses, required or elective courses that may be prerequisite to other courses.
- (C) Courses numbered 200-299 are basic courses providing undergraduate credit and may be counted on a major or field of specialization.

- (D) Courses numbered 300-499 are intermediate courses providing undergraduate or basic professional credit that may be counted on a major or field of specialization.
- (E) Courses numbered 500-599 are intermediate courses providing undergraduate or professional credit that may be counted on a major or field of specialization and may provide graduate credit only in other departments.
- (F) Courses numbered 600-699 are courses providing undergraduate or professional credit that may be counted on a major or field of specialization, and may provide graduate credit (in all departments).
- (G) Courses numbered 700-799 are advanced courses providing undergraduate, graduate, or professional credit.
- (H) Courses numbered 800-999 are courses providing graduate credit and are open to undergraduates only with the consent of the dean of the graduate school.
- (I) Courses for which graduate credit is anticipated must be taught by a member of the faculty approved by the graduate committee of the department offering the course. Eight hundred and 900 level courses must be taught by members of the graduate faculty.

University Required Courses

3335-8-06 Curricular requirements.

Every undergraduate curriculum must provide for a minimum of fifteen hours of free electives. (B/T 1/10/75, B/T 3/2/79)

3335-8-07 Basic education.

Every undergraduate student must complete forty-five hours selected to ensure acquaintance with the three basic areas of academic study; the humanities, the social sciences, and the natural sciences. A minimum of fifteen hours is required in each of the three areas. (B/T 1/10/75)

3335-8-10 Academic publications.

All official bulletins of the university shall be published from the copy furnished by the council on academic affairs; but mere editorial changes, as defined by the council on academic affairs, may be made in such copy by the appropriate designated individual in the office of academic affairs after receiving the approval of the department or school concerned.

Class Scheduling

3335-8-11 Precedence of scheduled hours.

Regularly scheduled class appointments shall have precedence over any special examinations or exercises not provided for on the calendar or by faculty action.

3335-8-12 Interval between classes.

The interval between the close of one class period and the beginning of the next shall be twelve minutes.

3335-8-13 Class rosters.

Instructors shall make their class rosters solely from the rosters issued by the office of the university registrar, except that each department or school is authorized to change the hour assignment of a student for courses offered in more than one section. The department or school shall notify the office of the university registrar of all such changes.

3335-8-14 Approval of student schedules.

The deans or secretaries of the several colleges and schools, or designees, shall approve the schedules of classes of students in their colleges and schools but the assignment to hours and all changes in such assignment shall be made by the office of the university registrar.

3335-8-15 Changes of schedules.

- (A) No instructor shall change the hour or place of meeting of any class to which a student has been assigned except with the approval of the office of the university registrar.
- (B) Instructors who deviate from regular university schedules by holding special sessions or examinations must have received approval from their department chair, regional campus dean and director or college dean to hold such special sessions or examinations. Such instructors shall accommodate students who may have conflicts because of required attendance in regularly scheduled classes. This rule does not apply to policies for the scheduling of final examinations which are provided in rule 3335-8-20 of the Administrative Code. (B/T 6/3/88, B/T 5/3/96)

3335-8-16 Cancellation of elective courses.

As promptly as possible and appropriate, the office of the university registrar shall report to the dean of the college or director of the school having charge of the department or program concerned all elementary elective courses (those numbered below 300) in which fewer than twelve students are enrolled and all elective advanced undergraduate courses (those numbered 300 and above) in which fewer than eight students are enrolled. The dean or director shall cancel every such course unless the department or program can show adequate reason why it should be given. When such a course is cancelled, the dean or director shall notify the office of the university registrar, who shall insert in the official bulletin a notice of its cancellation. (B/T 6/7/2005)

3335-8-17 Regulations for the control of course offerings.

- (A) The regulations applicable to classes in the 000, 100, and 200 groups are:
 - (1) A course offered only once during the three quarters of the regular academic year which has failed to secure an average enrollment of fifteen for the last two times it was given shall be withdrawn from the catalogue or limited to alternate years.
 - (2) A course offered during two quarters of the regular academic year which has failed during the preceding year to secure a total enrollment of forty shall be offered during one quarter only.
 - (3) A course offered during three quarters of the regular academic year which has failed during the preceding year to secure a total enrollment of seventy-five shall be withdrawn for one quarter, and, if the total enrollment is less than forty, it shall be withdrawn for two quarters.
 - (4) If an elective course during a current quarter fails to secure an enrollment of twelve, it shall be withdrawn for that quarter despite the fact that its record of enrollment during the preceding year permits its listing under paragraph (A)(1), (A)(2), or (A)(3) of this rule. (See rule 3335-8-16 of the Administrative Code.)
- (B) The regulations applicable to classes in the 300, 400, 500, 600, and 700 groups are:
 - (1) A course offered only once during the three quarters of the regular academic year which has failed to secure an average enrollment of ten for the last two times it was given shall be withdrawn from the catalogue or limited to alternate years.
 - (2) A course offered during two quarters of the regular academic year which has failed during the preceding year to secure a total enrollment of twenty-five shall be offered during one quarter only.

- (3) A course offered during three quarters of the regular academic year which has failed during the preceding year to secure a total enrollment of forty-five shall be withdrawn for one quarter, and if the total enrollment is less than twenty-five, it shall be withdrawn for two quarters.
- (4) If an elective course during a current quarter fails to secure an enrollment of eight, it shall be withdrawn for that quarter despite the fact that its record of enrollment permits its listing under paragraph (A)(1), (A)(2), or (A)(3) of this rule. (See rule 3335-8-16 of the Administrative Code.)
- (C) A course withdrawn or suspended under these rules may be restored by following the procedure for introduction of new courses.
- (D) This rule does not apply to minor and major research problem courses, to honors courses, or to courses in which special types of instruction or equipment, or limited laboratory facilities, require that, without reference to expense, classes be smaller than those provided for by this rule. All exceptions of these types must be authorized by the council on academic affairs each year.
- (E) Courses for which there is inherently a limited demand, but which are essential to the university's program, may be exempted from these regulations, in whole or in part, by the council on academic affairs. Each such course shall be considered annually upon its individual merits.
- (F) The graduate professional colleges may formulate rules to govern the control of their course offerings, subject to the approval of the council on academic affairs.

3335-8-18 Standards for number of class sections.

The standards to be applied to the formation of class sections in a course are:

- (A) When the registration in a course for a particular quarter is less than twenty-five students, it shall be taught in one section only.
- (B) When the registration in a course for a particular quarter is less than fifty and more than twenty-five students, it shall be taught in not more than two sections.
- (C) When the registration in a course for a particular quarter exceeds fifty students, the sections into which it is divided must be so formed that no section has less than twenty students.
- (D) Where specialized methods of instruction are employed or where there are peculiar difficulties in student schedules, the application of these rules may be modified by the chair of the department and the dean of the college or the director of the school upon approval of the executive vice president and provost.
- (E) The graduate professional colleges may formulate rules to govern the formation of class sections, subject to the approval of the council on academic affairs. (B/T 4/4/97, B/T 12/4/98)

Examinations and Marks

3335-8-19 Course examinations.

At the close of each course as defined in rule 3335-8-01 of the Administrative Code, an examination will be given on the student's capabilities relative to the stated course objectives, the method of examining to be determined by the instructor or supervisor of the course. Examinations in laboratory and seminar courses shall be optional with the instructor concerned.

3335-8-20 Schedules for final examinations.

- (A) Examinations for classes taught on the regional campuses and for classes whose enrollment is exclusively of students registered in the colleges of dentistry, law, medicine, optometry, pharmacy, and veterinary medicine will be scheduled by the offices of the regional campuses

and of the colleges respectively. All examination schedules prepared outside the office of the university registrar shall, before publication, be cleared with the office of the university registrar which shall have the power to resolve all conflicts.

- (B) All other final examinations shall be centrally scheduled by the office of the university registrar. The official examination schedules shall be strictly adhered to by all instructors. Any deviation must first be approved by the appropriate university official (department chair, regional campus dean and director, or college dean) in consultation with the office of the university registrar, which shall have the power to resolve all conflicts. Final grades for graduating students must be submitted electronically to the office of the university registrar by the deadlines established by that office.
- (C) In performing its scheduling function the office of the university registrar shall limit individual examinations to two-hour duration and the total examination period to no more than five days. (B/T 8/1/97, B/T 12/5/2003, B/T 12/2/2005)

3335-8-21 Marks.

The official marks of the university are as follows: "A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+," "D," "E," "EM," "EN," "I," "K," "P," "PA," "NP," "R," "S," "U," "W." These marks shall have the following meaning:

- (A) "A," "A-"

The instructor judged the student to have satisfied the stated objectives of the course in an excellent manner. The student's performance was judged to be in this range of high quality based upon a comparison with other students in the course, and/or with students who have taken the course previously, and/or the instructor's personal expectations relative to the stated objectives of the course, based on the instructor's experience and expertise.

- (B) "B+," "B," "B-"

The instructor judged the student to have satisfied the stated objectives of the course in an above-average manner. The student's performance was judged to be in this range of above-average quality based upon a comparison with other students in the course, and/or with students who have taken the course previously, and/or the instructor's personal expectations relative to the stated objectives of the course, based on the instructor's experience and expertise.

- (C) "C+," "C," "C-"

The instructor judged the student to have satisfied the stated objectives of the course in an average manner. The student's performance was judged to be in this range of average quality based upon a comparison with other students in the course, and/or students who have taken the course previously, and/or the instructor's personal expectations relative to the stated objectives of the course, based on the instructor's experience and expertise.

- (D) "D+," "D"

The instructor judged the student to have satisfied the stated objectives of the course in a low but acceptable manner. The student's performance was judged to be in this range of below average but acceptable quality based upon a comparison with other students in the course, and/or with students who have taken the course previously, and/or the instructor's personal expectations relative to the stated objectives of the course, based on the instructor's experience and expertise.

(E) "E"

The instructor judged the student not to have satisfied the stated objectives of the course. Credit for a course in which the mark "E" has been received can be obtained only by repeating and passing the course in class (see rules 3335-8-23 to 3335-8-28 of the Administrative Code).

(F) "EM" - examination

- (1) This mark indicates credit given to students registered in the university on the basis of examinations taken prior to or after admission to the university. The level of achievement which must be demonstrated by the student on these examinations in order to receive "EM" credit shall be determined by the department or school in which the course is offered for credit, in accord with the criteria for the award of letter grades. This credit, up to a maximum of forty-five credit hours, shall be assigned only upon the authorization of the chair of the department or the director of the school and with the approval of the authorized representative of the dean or director of the student's enrollment unit. Additional examination credit hours may be assigned specific curricular programs with the prior approval of the council on academic affairs.
- (2) Examination credit shall not be given to a student for a course in which the student has received a mark at this university or for which the student has transfer credit from some other college or university. Conversely, no course for which "EM" credit has been received can be taken later for a grade or credit. No credit points are allowed for courses in which a mark of "EM" is given.

(G) "I" - incomplete

- (1) An "I" indicates that the student has completed a major portion of the work in the course in a satisfactory manner, but for reasons judged by the instructor to be legitimate, a portion of the course requirements remains to be completed.
- (2) The mark "I" shall be reported to the office of the university registrar together with the mark which the university registrar is authorized to enter on the student's official record unless a different mark is reported to the office of the university registrar in the manner and within the time described below.
- (3) The student must complete the work so that the instructor of the course may report the final mark at the earliest possible time, but not later than noon of the sixth Saturday of the quarter, semester, or session, following that in which the "I" was received. For legitimate reason the instructor may establish a deadline for the completion of the work which is within the maximum time permitted. Upon petition of the student within this period, the instructor or, if the instructor is unavailable, the chair of the department involved, may for good reason allow a student additional time in which to complete the work. An extension beyond the date grades are due for the quarter, semester, or session following that in which the "I" was received requires concurrence of the instructional unit's dean, director, or college secretary. Any decision extending the period shall set forth the time in which the student shall complete the work and a copy of the decision shall be forwarded to the office of the university registrar.
- (4) As soon as the incomplete work has been made up, the instructor, or in the case of the instructor's absence from the university, the department chair or the director of the school, shall file the proper mark in the office of the university registrar. Until such time as a final mark is recorded the credit for the mark "I" shall be counted as hours only, and shall not be considered in determining a student's point-hour ratio under rule 3335-8-26 of the Administrative Code.
- (5) In no case shall a student who has received the mark "I" be permitted to repeat the course in which such mark was received until such time as the "I" has been removed and then only in such cases as fall within rule 3335-8-28 of the Administrative Code.

(H) "K" - credit

This mark shall be used for work credited from other institutions by the director of undergraduate admissions only. "K" credit shall be counted as hours only and shall not be considered in determining a student's point-hour ratio under rule 3335-8-26 of the Administrative Code.

(I) "EN" – E, non-attendance

This mark shall be used to indicate that the student was properly registered for the course, but failed to complete the course because of non-attendance. It does not differentiate between the student who never attended or stopped attending at some point during the academic term.

When assigning this mark, an instructor must also provide some indication (e.g. day or week of the academic term) of when the student stopped attending the course.

This mark shall be treated as an "E" for the purpose of calculating a student's point-hour ratio.

(J) "P" - progress

This mark is used to indicate that the student has shown satisfactory progress in a series or sequence of courses where the mark is not recorded until the final quarter, semester, or session of the series or sequence is completed. Until such time as a final mark is recorded, the mark of "P" shall be given and the credit shall be counted as hours only, and shall not be considered in determining a student's point-hour ratio under rule 3335-8-26 of the Administrative Code. When a final mark is submitted by the instructor, all previous "P" marks shall assume and be recorded with the value of this final mark.

(K) "PA" - pass, "NP" - non-pass

- (1) The grade pass "PA" means the student has satisfied the stated objectives of the course, and the grade non-pass "NP" is the equivalent of the grade "E."
- (2) These marks may be used at the option of undergraduate or continuing education students only, subject to the following conditions:
 - (a) This grading pattern may be chosen for a maximum of thirty credit hours, provided the student has an accumulated point-hour ratio of 2.0 or higher.
 - (b) Among these thirty credit hours, an undergraduate student may elect this option for courses in fulfillment of the curricular requirements of rule 3335-8-06 of the Administrative Code.
 - (c) An undergraduate student may elect this option for courses that are not required or designated as required electives in the curriculum leading to the degree for which the student is a candidate.
 - (d) Hours graded pass "PA" count toward the minimal number of hours required for a degree. Pass or non-pass marks ("PA," "NP") are not computed in the point-hour average of the student.
 - (e) Before five p.m. of the third Friday of a quarter or the second Friday of a term, a student must have declared intention to take a course on this basis by filing the appropriate form with the dean or director of the student's enrollment unit. A student may not change to or from this option after five p.m. of the third Friday of a quarter or the second Friday of a term.

(L) "R" - registered to audit

- (1) This mark indicates that the student has registered to audit the course and has met the conditions established for audit enrollment in the course. No credit hours shall be awarded for this mark (see rules 3335-8-29 and 3335-8-33 of the Administrative Code).
- (2) Before five p.m. of the third Friday of a quarter, semester, or session, or the second Friday of a term, a student must have declared intention to take a course for audit or to change from a credit to an audit basis by filing the appropriate form with the dean or director of the student's enrollment unit. A student may not change to or from the audit option after five p.m. of the third Friday of a quarter, semester, or session, or the second Friday of a term.

(M) "S" - satisfactory, "U" - unsatisfactory

- (1) The mark "S" may be used to record either satisfactory progress in or completion of work, provided that the course has been approved for this mark by the dean of the college offering the course, and in the case of courses carrying graduate credit, by the dean of the graduate school. It shall be used as an alternative to "U" or "I" in all individual studies courses whatever their number. "S" credit shall be counted as hours only, and shall not be considered in determining a student's point-hour ratio under rule 3335-8-26 of the Administrative Code.
- (2) The mark "U" shall be used for unsatisfactory work in courses in which a student would be entitled to the mark of "S" if the student's work had been satisfactory. No credit shall be given for work marked "U." This mark shall not be considered in determining a student's point-hour ratio under rule 3335-8-26 of the Administrative Code.

(N) "W" - withdrew

- (1) This mark is used for students withdrawing from one or more courses or from the university.
- (2) See rule 3335-8-32 of the Administrative Code for procedures and provisions governing withdrawals. (B/T 5/4/2001, B/T 6/7/2002)

3335-8-22 Report of marks.

Upon completion of the course requirements, marks for every student shall be reported to the office of the university registrar in accord with deadlines listed in the quarterly master schedule of classes.

3335-8-23 Alteration of marks.

(A) A mark filed in the office of the university registrar is a part of the official records of the university. It is subject to change only when a procedural error has been discovered in evaluation or recording of a grade. Action to change a grade must be initiated before the end of the second succeeding quarter. In no case will a grade be revised in accordance with criteria other than those applied to all students in the class. If the instructor agrees that an error in the mark was made, the mark will be changed upon written authorization of:

- (1) The instructor of the course, and
- (2) The instructional unit's dean, director, or college secretary.

If a student believes that a procedural error in grading was made, the student should meet with the instructor. If the instructor does not agree that a procedural error was made, the student may meet with the department chair to discuss the grade grievance. The chair shall respond to the student no later than thirty days after the student has requested a review by the chair. Upon receipt of the chair's response, if the issue is not resolved to the satisfaction of the student, the student may within two weeks request in writing by duplicate submission to the dean or director of the instruction unit and the department chair the procedures in paragraph (B)

of this rule. Unresolved cases of grade grievance due to grading procedures are subject to paragraph (B) of this rule; unresolved cases of grade grievance due to other causes are not subject to paragraph (B) of this rule.

- (B) Unresolved cases of grade grievance due to grading procedures shall be reviewed by a faculty departmental committee appointed by the department chair.

- (1) In cases of instructors still affiliated with the university, the review committee shall consult both the student and the instructor and shall determine the validity of the grade grievance due to grading procedures. The review committee shall make its findings known in writing to both the student and the instructor within thirty days of the student's request to the chair.

If the committee finds that a procedural error has occurred and if the instructor declines to accept the findings of the review committee, the committee shall consider the reasons for not authorizing a grade change given by the instructor and may, upon consideration of these reasons, authorize in writing a grade change to be instituted by the department chair.

- (2) In cases of instructors no longer affiliated with the university, the findings of the committee shall be reported to both the student and the instructor. If the instructor chooses not to respond, the judgment of the committee shall prevail. If the instructor responds and declines to accept the findings of the committee that a procedural error has occurred, the committee shall consider the reasons for not authorizing a change given by the instructor. In either case, the committee may, upon due consideration, authorize in writing a grade change (if such can be determined) to be instituted by the department chair.

If a department committee can find no academic basis upon which to recommend an appropriate grade for the course, the student shall be given the option of having the course stricken from the student's record and, if so desired, to retake that course without prejudice or penalty.

- (C) If charges of grave academic misconduct against an instructor are made and substantiated under rule 3335-5-04 of the Administrative Code, the department chair shall be authorized to appoint a department grade grievance committee to consider grading errors that are alleged to be related to the misconduct. The committee shall consider all evidence and present, in writing, a report to the chair indicating any recommended grade changes. The department chair shall be authorized to institute grade changes in accordance with the recommendations of the committee.

If a department committee can find no academic basis upon which to recommend an appropriate grade for the course, the student shall be given the option of having the course stricken from the student's record and, if so desired, to retake that course without prejudice or penalty.

- (D) The graduate school and graduate professional colleges may formulate appropriate modifications of this rule, subject to the approval of the council on academic affairs, and publish this rule in their bulletins.

3335-8-23.1 Retention or disposal of materials submitted to meet course requirements.

- (A) Materials submitted by a student to satisfy course requirements shall either be returned to the student or made available for the student's inspection, after they have been marked or otherwise evaluated, before the end of the quarter, semester, session, or term in which the work is performed or, in the case of final projects and final examinations, no later than the fourteenth day of instruction of the following quarter, semester, session, or term.
- (B) Materials of this kind which have not been returned to the student shall be retained by the academic unit or the individual instructor until the last day on which a grade change may be initiated as provided for in paragraph (A) of rule 3335-8-23 of the Administrative Code. An exception to this rule may be made in the case of materials that are impracticable to store if the

need for such exception is clearly communicated in writing and distributed to the students at the beginning of the course. (B/T 6/5/87)

Course Credit

3335-8-24 Credit hours.

- (A) All courses shall be assigned a number of credit hours in accordance with the procedure outlined in rules 3335-8-02 to 3335-8-04 of the Administrative Code. This may be any number from zero on up; however, in determining the credit hours assigned, the department, school, college and council on academic affairs should use as a guide the following suggested standards:
- (1) One credit hour shall be assigned for each three hours per week of the average student's time, including class hours, required to earn the average grade of "C" in this course.
 - (2) One credit hour shall be assigned for each two consecutive hours of practical or experimental work per week in any department or school.
 - (3) One credit hour shall be assigned for each three hours of laboratory work per week, when no additional outside work is required. When outside work is required, then the standard in paragraph (A)(1) of this rule shall be applied.
- (B) In determining the hours per week required by the course or work, the council on academic affairs may, in appropriate cases, consider the average weekly hours spent during a quarter, semester, or session on the course or work. It should be remembered that the above are guides only and may be deviated from for good cause.
- (C) When comparing or combining semester credit hours with quarter credit hours, one semester credit hour shall be the equivalent of one and one-half quarter credit hours.

3335-8-25 Credit points.

- (A) Credit points shall be assigned on the following basis:

For each credit hour of "A,"	4.0 credit points shall be allowed
For each credit hour of "A-,"	3.7 credit points shall be allowed
For each credit hour of "B+,"	3.3 credit points shall be allowed
For each credit hour of "B,"	3.0 credit points shall be allowed
For each credit hour of "B-,"	2.7 credit points shall be allowed
For each credit hour of "C+,"	2.3 credit points shall be allowed
For each credit hour of "C,"	2.0 credit points shall be allowed
For each credit hour of "C-,"	1.7 credit points shall be allowed
For each credit hour of "D+,"	1.3 credit points shall be allowed
For each credit hour of "D,"	1.0 credit points shall be allowed
For each credit hour of "E,"	0.0 credit points shall be allowed
For each credit hour of "EN,"	0.0 credit points shall be allowed

- (B) All other marks (see rule 3335-8-21 of the Administrative Code) carry no credit points. (B/T 6/7/2002)

3335-8-26 Point-hour ratio.

- (A) The point-hour ratio of a student shall be computed by dividing the sum of the applicable number of credit hours (as defined in paragraph (B) of this rule) in which the marks "A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+," "D," "E," or "EN" have been given into the sum of the credit points (see rule 3335-8-25 of the Administrative Code) assigned for such hours.

- (B) When determining the point-hour ratio of a student:
- (1) For a quarter, semester, or session, the "applicable number of credit hours" shall be the student's scheduled credit hours in that quarter, semester, or session.
 - (2) For the student's work in the university, the "applicable number of credit hours" shall be the total number of credit hours undertaken in the university except as modified by paragraph (A)(2) or (B) of rule 3335-8-27.1 of the Administrative Code.
 - (3) For the student's work in the graduate school, the "applicable number of credit hours" shall be the total number of graduate credit hours undertaken while enrolled in the graduate school. For the student's work in a professional college or school or professional division of a college, the "applicable number of credit hours" shall be the total number of credit hours undertaken while enrolled in the professional college or school or professional division of a college.
 - (4) For the student's work in the major field of interest, the "applicable number of credit hours" shall be the total number of credit hours undertaken in courses approved for the major program.
- (C) No college of medicine point-hour average shall be computed for a student enrolled in the college of medicine in a curriculum leading to the degree, doctor of medicine, when that student has received only the marks of "H," "S," or "U" in the college of medicine. (B/T 8/1/97, B/T 6/7/2005, B/T 12/2/2005)

3335-8-26.1 Recalculation of cumulative point-hour ratio.

- (A) An undergraduate student who re-enrolls in the university after an absence of five or more years may petition the dean or director of his or her enrollment unit to recalculate the cumulative point-hour ratio of his or her previous residency. If the petition is approved, all courses taken will remain on the permanent record. Those with marks of "A," "A-," "B+," "B," "B-," "C+," "C," "C-," "EM," "K," "PA," or "S" will be counted for credit only. No other marks will be counted for credit.
- (B) If the petition is approved, the student resumes his or her academic program with no cumulative point-hour ratio, and thereafter is subject to the conditions of warning, probation, and dismissal that govern all students (see rules 3335-9-24 to 3335-9-28 of the Administrative Code).
- (C) Under the provisions of this rule a student, before graduation, must be re-enrolled for a minimum of:
- (1) Forty-five quarter credit hours and
 - (2) Three academic quarters.
- (D) All courses ever taken at the university will be used in the calculation of the cumulative point-hour ratio required for the purposes of graduation with honors.
- (E) The graduate school and graduate professional colleges may formulate appropriate modifications of this rule, subject to approval by the council on academic affairs, and shall publish the rule in their bulletins. (B/T 6/7/79, B/T 7/10/81, B/T 5/3/96)

3335-8-27 Failure in a required course.

- (A) An undergraduate or professional student who has not been dismissed from the university must repeat in a regularly scheduled class, at the first opportunity, a required course in which a mark of "E" or "EN" has been received, unless an equivalent course is recommended and approved by the authorized representative of the dean or director of the student's enrollment unit.

- (B) A graduate student who has not been dismissed from the university must repeat in a regularly scheduled class a required course in which a mark of "E" or "EN" has been received only if this is required by the student's adviser. (B/T 6/7/2005)

3335-8-27.1 Freshman forgiveness rule.

- (A) If a course in which an undergraduate student receives a grade of "D+," "D," "E," or "EN," taken during the freshman year (the period during which the first forty-four credit hours are accumulated on the student's official permanent record) is repeated before the end of that student's sophomore year (when the student will have accumulated a total of eighty-nine credit hours), the original course credit and grade will be automatically excluded from the calculation of the student's cumulative point-hour ratio and deficiency points, but will remain on the student's official permanent record. This action will be subject to the following conditions:
 - (1) If the grade in the original course was a "D+" or "D," a student may repeat the course for credit only upon the recommendation of the authorized representative of the dean, or director of the student's enrollment unit. Such recommendation must be obtained before noon of the third Saturday of the quarter in which the repeated course is taken.
 - (2) The same course may be repeated only once under this rule.
 - (3) This rule may be applied for a maximum of fifteen credit hours.
- (B) The graduate school and graduate professional colleges may formulate appropriate modifications of paragraph (A) of this rule, subject to the approval of the council on academic affairs, and publish the rule in their bulletins. (B/T 7/21/78, B/T 6/7/85, B/T 6/7/2005)

3335-8-28 Repetition of courses.

- (A) Except as specified by rule 3335-8-27 of the Administrative Code, undergraduate students who have received a mark of "E," "EN," or "NP" in a course at this university may repeat the course for credit at their option.
- (B) Undergraduate or professional students, as defined in rule 3335-9-01 of the Administrative Code, who have received a mark of "A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+," "D," "EM," "K," or "PA" in a course at this university may repeat the course for credit only upon the recommendation of the authorized representative of the dean or director of their enrollment unit.
- (C) A graduate student, as defined in rule 3335-9-01 of the Administrative Code, may repeat for credit any course when approval is given by the student's adviser.
- (D) A student who has audited a course may subsequently repeat the course for credit only upon receiving permission of the authorized representative of the dean or director of the student's enrollment unit.
- (E) The credit hours for a repeated course shall in no case be counted more than once in meeting graduation requirements. When a student repeats a course, both grades appear on the student's record and both are used in computing the point-hour ratio, except as modified by rule 3335-8-27.1 of the Administrative Code. (B/T 4/7/2000, B/T 6/29/2001, B/T 6/7/2005)

3335-8-29 Admission to courses as an auditor.

An undergraduate or professional student may audit a course upon the approval of the professor in charge of the course and the dean of the college, or designee, in which the student is registered. (For repetition of courses, see rule 3335-8-28 of the Administrative Code.) A graduate student may audit a course upon the approval of the professor in charge of the course and the student's adviser.

3335-8-32 Withdrawal from courses or from the university.

- (A) Withdrawal from the university during a quarter, semester, or session, constitutes withdrawal from all courses in which a student is enrolled during that quarter, semester, or session. Upon official notification of the student's withdrawal from the university, the university registrar is authorized to enter the dated notation "withdrew" on the student's official permanent record.
- (B) To withdraw from any or all courses, a student must file the appropriate form with the authorized representative of the dean or director of the student's enrollment unit.
- (C) Until five p.m. of the third Friday of a quarter, semester, or session, or the second Friday of a summer term, a student may withdraw from any or all courses which began in the same quarter, semester, session, or term, and no record for the course(s) will be entered on the student's official permanent record.
- (D) After five p.m. of the third Friday of a quarter, semester, or session and until five p.m. of the seventh Friday of a quarter, semester, or session, if a student withdraws from any or all courses which began in the same quarter, semester, or session, the university registrar is authorized to enter the mark "W" on the student's official permanent record for the courses withdrawn.
- (E) After five p.m. of the seventh Friday of the quarter, semester, or session, or the second Friday of a summer term, a student who because of circumstances beyond his or her control finds it necessary to withdraw from any or all courses, must file the appropriate petition with the authorized representative of the dean or director of the enrollment unit. Reasons not acceptable include (but are not limited to) the student's performance in the course(s), lack of preparation for the course(s), or dissatisfaction with the subject matter offered in the course(s). If the petition is approved, a copy will be filed with the university registrar who is then authorized to enter the mark "W" on the student's official permanent record and the instructor(s) of the course(s) will be so notified. If the petition is not approved, the student continues to be enrolled in the course(s) and a final mark must be submitted by the instructor(s). Withdrawal from any and all courses shall not be permitted after the last day of regularly scheduled classes except when the student experiences a genuine emergency after the regularly scheduled classes end and prior to sitting for the final examination in a given course or courses.
- (F) Withdrawal from any or all courses shall not be permitted after the final examination in that course has been given.
- (G) A student who stops attending a course (or courses) and does not officially withdraw from it (them) shall have the appropriate mark as submitted by the instructor entered on the student's official permanent record for the course(s). Such a mark shall be based on the grading criteria used to evaluate all students in the course.
- (H) Graduate professional colleges shall formulate rules to govern withdrawal of their students from courses in their respective curricula, subject to the approval of the council on academic affairs, and publish these rules in their respective bulletins.
- (I) For provision regarding return of fees, when applicable, see rule 3335-9-18 of the Administrative Code.

3335-8-33 Conditions and procedures for disenrollment from a course.

- (A) The instructor (or in the case of a graduate teaching associate, the supervising faculty member), the chair of the instructor's department (with the agreement of the instructor), or other appropriate administrative official may disenroll a student from a course if:
 - (1) After the third instructional day of the quarter, semester, session, or term, the first Friday of the quarter, or the student's second scheduled class session of the course, whichever occurs first, the student fails to attend the scheduled course without giving prior notification to the instructor. Under this paragraph, no student may be disenrolled from a course until

after the first course meeting following the student's registration. When the department elects to use this procedure, the instructor, the chair, or other appropriate administrative official shall notify the student's enrollment unit. The enrollment unit will notify the student and take appropriate action to remove the student from the course.

Since not all departments exercise the option to disenroll students in all courses, this rule does not relieve the student of the responsibility for dropping a course the student is not attending.

- (2) The student enrolls to audit a course without the instructor's approval, or fails to meet the prerequisites of the course. Disenrollment procedures shall be the same as in paragraph (A)(1) of this rule.
 - (3) Before the third Friday of a quarter, semester, or session, or the second Friday of a summer term, and following completion of a placement examination, or another appropriate measure of preparation or ability, the student is judged to be registered in an inappropriate course. The department or school offering the course may then instruct the secretary of the college or school in which the student is enrolled to change the student's registration either to a more elementary or more advanced course.
- (B) Disenrollment, under paragraph (A) of this rule, is effective upon action of the instructor, department chair, or other appropriate administrative official.
 - (C) Credit for all rescheduled courses resulting from action under paragraph (A)(3) of this rule shall count toward the fulfillment of graduation requirements unless the student has previously earned university or college credit in a course having substantially the same subject matter content or the substituted course is one which the department or school, with the approval of the council on academic affairs, has established for students with inadequate preparation for college level courses of that department or school.
 - (D) If a student who has enrolled to audit a course fails to complete the requirements for audit specified by the instructor and also fails to withdraw from the course, the instructor shall so inform the office of the university registrar when marks are reported for the quarter, semester, or session. That office will then disenroll the student from the course, removing the course from the student's permanent record, and will notify the student and the student's college of the action taken.
 - (E) After investigation, including consultation with the instructor and the student in question, and utilizing other university resources, as desirable, the chair (or other appropriate administrative official) may disenroll a student from a course if the student presents a clear and present threat of bodily harm or injury to the instructor or fellow students, or, after warning, continues to engage in disruptive conduct, either of which results in impairment of teaching or learning processes:
 - (1) If, after attempting to resolve the difficulty by informal means, the department chair (or other appropriate administrative official) deems disenrollment necessary, the affected student shall be notified in writing. The notice shall be delivered by hand or sent through ordinary mail to the student at the last address supplied pursuant to rule 3335-9-09 of the Administrative Code. Copies of the disenrollment action shall be sent to the dean of the instructional college, the dean of the student's college, the office of the university registrar, and the office of student affairs.
 - (2) The student may appeal to the executive vice president and provost or designee for waiver of disenrollment under paragraph (E) of this rule, provided the appeal is filed within ten days of the disenrollment action. The executive vice president and provost shall make final determination on the appeal within seven days.
 - (3) Disenrollment is effective upon the action of the department chair (or other appropriate administrative official), unless reversed by the executive vice president and provost or designee.

- (F) For disenrollment, exclusive of audit, under paragraphs (A) and (E) of this rule, the university registrar shall enter on the student's official permanent record:
- (1) No mark, if the disenrollment occurs before five p.m. of the third Friday of a quarter, semester, or session course, or the second Friday of a summer term course; or
 - (2) The mark, "W," if the disenrollment occurs after five p.m. of the third Friday of a quarter, semester, or session course, or the second Friday of a summer term course. (B/T 7/9/76, B/T 7/22/77, B/T 4/1/83, B/T 2/3/84, B/T 7/6/84, B/T 4/5/85, B/T 6/5/87, B/T 11/2/90, B/T 7/12/91, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98)

3335-8-34 Residence work.

- (A) Except for cases meeting the conditions of paragraph (B) of this rule, residence credit will be given only for work taken in residence within the basic organization of the educational units of the university. (See rule 3335-1-05 of the Administrative Code.)
- (B) By pre-arrangement with the head of the department or school concerned and with the approval in advance of the appropriate executive committee, an undergraduate student of good standing who has already secured satisfactory credits within a department or school may carry on work in absentia, and secure credit by examination for not to exceed a total of six hours. Credit so secured may be counted as a part of the work of the senior year.

University Year

3335-8-35 Quarters, semesters, sessions, and terms.

- (A) The university year shall be divided into four quarters of approximately twelve weeks each. For any college on a semester basis, the university year shall be divided into a summer session of approximately twelve weeks and two semesters of approximately eighteen weeks each. The summer quarter or session shall begin the university year and may be divided into two terms of approximately six weeks each.
- (B) The university calendar, including the dates of the beginning and ending of each quarter, semester, session, and term and of the several vacations and recesses within the year, shall be published in the appropriate university bulletins.

3335-8-36 Vacations.

All vacation dates shall be determined by the council of deans and published in the university bulletins as a part of the official calendar.

3335-8-37 Convocations.

A convocation for the conferring of degrees and certificates shall be held at the close of each quarter.

Chapter 3335-9

RULES OF THE UNIVERSITY FACULTY ATTENDANCE AND GRADUATION

Admission

3335-9-01 Classification of students for admission.

Students shall be classified as:

- (A) Undergraduate students: regular or special. This shall include students registered in the colleges of arts; biological sciences; business; food, agricultural, and environmental sciences; education and human ecology; humanities; mathematical and physical sciences; social and behavioral sciences; the division of pre-professional education of the college of education and human ecology; the pre-engineering division of the college of engineering; and the division of continuing education.
- (B) Graduate students: regular, special, graduate nondegree, conditional, or transient. The provisional classification is used in conjunction with the regular, special, and conditional classifications.
- (C) Professional students: regular or special. This shall include students either regularly or specially registered in the colleges or divisions of a college which admit after completion of a pre-professional curriculum.
- (D) Transient students. This shall include regular enrollees of other institutions who with the recommendation of their college authorities enter this university for a brief residence (usually one quarter, semester, session, or term) without transfer of credits.
- (E) Auditors. This shall include persons who desire to attend classes without receiving credit for any courses taken. (B/T 5/4/2001, B/T 7/7/2006)

3335-9-02 Time of admission.

- (A) Admission as an undergraduate student. Undergraduate students who are residents of the state of Ohio and who meet all admission requirements shall be admitted to any one of the four quarters.
- (B) Admission as a graduate student. Graduate students meeting all admission requirements may be admitted in any one of the four quarters.
- (C) Admission as a professional student. Professional students meeting all admission requirements shall be admitted at such time or times as determined by the council on enrollment and student progress with due regard to the curriculum of the professional college involved.
- (D) Admission as a transient student or auditor. Transient students and auditors meeting all admission requirements shall be admitted at such time or times as determined by the council on enrollment and student progress. (B/T 6/7/2005)

3335-9-03 Admission requirements.

Admission requirements, including admission to advanced standing, for entrance into the university shall be adopted by the board of trustees upon recommendation of the appropriate faculty and the approval of the university senate.

3335-9-04 Specific admission requirements.

- (A) Undergraduate student. For admission as a regular undergraduate student, an applicant must

be a graduate of a high school (or equivalent preparatory school), or must have passed equivalent entrance examinations. For unconditional admission the applicant must present a minimum of fifteen high school units distributed in accordance with a preparatory curriculum approved by the university faculty and must meet the special requirements of the college or school the applicant desires to enter, subject to such deficiencies (or conditions) as that college or school may permit (see also rule 3335-9-24 of the Administrative Code). The preparatory curriculum is not required for the unconditional admission of regular undergraduate students with high school graduation five or more years prior to the first quarter of enrollment.

For admission as a special undergraduate student, an applicant must satisfy the executive vice president and provost, or designee, that the applicant is qualified to undertake the special program desired.

- (B) Graduate student. An applicant must meet the admission criteria established by the research and graduate council. All applicants must specify a field of specialization.
- (C) Professional student. An applicant for admission as a regular or special student in a professional program must meet the pre-professional requirements of the school, college or division of a college the applicant desires to enter. If the applicant does not meet the pre-professional requirements, the applicant may be admitted subject to such deficiencies (or conditions) as that school, college or division of a college may permit.
- (D) Transient student. To be considered for admission as a transient student, the applicant must present a brief, definite program endorsed by the president or dean of the student's university or college. Where this and all other pertinent matters are satisfactory to the director of admissions, the applicant may be admitted unless there is objection by the college, school or division of which the applicant seeks admission. (B/T 11/3/2000, B/T 6/7/2005)

3335-9-05 Admission of an undergraduate special student to regular standing.

An undergraduate special student who has completed two full years of college work and who desires to become a candidate for a degree may be transferred by the director of undergraduate admissions to the standing of a regular student by one of the following methods:

- (A) By meeting the entrance requirements of the college or school in which he or she desires to attain regular standing.
- (B) By assuming an addition of forty-five hours and ninety points to the requirements of his or her curriculum.
- (C) By such other adjustments as may be approved by the undergraduate admissions office and the executive committee of the college concerned.

3335-9-06 Admission to advanced standing.

- (A) An applicant presenting credentials for admission to advanced standing as an undergraduate student will in general be refused admission unless the applicant's record is at least "C" as an average of all courses undertaken.
- (B) The director of undergraduate admissions may admit an applicant who does not fully meet this standard, provided the applicant's record is one that shows progressive improvement and provided the total credits allowed shall not be more than one-half the credit points counted on the applicant's complete record.
- (C) An undergraduate applicant having fewer than forty-five transferable quarter credit hours at the time of first enrollment shall be subject to the provisions of paragraph (A) of rule 3335-9-04 of the Administrative Code and paragraph (B) of rule 3335-9-25 of the Administrative Code. (B/T 5/4/2001)

3335-9-07 Academic aptitude and course placement test.

- (A) Every undergraduate student, excepting transient students, attending the university for the first time, is required to take an academic aptitude test under the supervision of the university orientation and testing center. He or she shall also take such course placement tests as are required by the appropriate college, school, or department.
- (B) The taking of this test by students entering the graduate school, the professional division of the college of engineering, or the colleges of dentistry, law, medicine, optometry, pharmacy, or veterinary medicine shall be optional with the graduate school or these colleges. (B/T 8/1/97, B/T/ 12/5/2005)

3335-9-08 Medical examination and enrollment denial for medical reasons.

- (A) After admission, but prior to enrollment, each student seeking to enroll shall complete and submit to the university health service medical information in a form prescribed by the health service. Failure to comply with this requirement may result in denial of enrollment.
- (B) Students with certain physical, psychological or emotional health conditions may be subject to a hold from enrollment. Such a hold may be imposed when there is clear and convincing evidence that:
 - (1) The student's current state of physical health poses a substantial danger to the health and well-being of other members of the university community; or
 - (2) The student is suffering from a mental disorder and as a result of that disorder engages, or threatens to engage in behavior which:
 - (a) Poses a substantial danger or risk of causing harm to the student or to others; or
 - (b) Poses a substantial danger or risk to university property, or to the property of another member of the university community.
- (C) When the health of a student is alleged to be as defined in paragraph (B) of this rule, the director of the university health service, or designee, shall consult with the student about the student's health status. If the director decides it is necessary, the student may be required to submit to examination(s) deemed sufficient to evaluate such condition. The university health service will then review the case, including any medical evidence or opinion available, and determine appropriate university action. If the student fails to submit to an examination, or fails to furnish relevant health condition information, or if the review by the director discloses the existence of an immediate danger to the university community as set out in paragraph (B) of this rule, the student may be subject to a hold from enrollment; or conditions appropriate to protect the university community may be placed upon enrollment. In arriving at appropriate action, the director will take into account reasonable action on the part of the university to accommodate the student's condition.
- (D) If a student has been placed on a hold from enrollment, or otherwise experienced modification of enrollment status by reason of health conditions enumerated in paragraph (B) of this rule, the student may petition for revision of that status through the office of the vice president for student affairs.
 - (1) Such request must be accompanied by supporting documentation that the conditions for revision of enrollment status have been fulfilled, and/or that the health condition has changed sufficiently to make revision appropriate. Upon receipt of such request, the vice president for student affairs will evaluate the evidence, or convene the case consultation committee (composed of representatives of counseling and consultation service, university health service, the student's academic unit, and other academic/administrative units as appropriate) for that purpose, and decide to:

- (a) Approve enrollment without condition;
 - (b) Approve enrollment with specified conditions such as medical treatment; or
 - (c) Deny enrollment.
- (2) The student must, in addition, meet all normal and appropriate standards for enrollment set by the academic unit in which the student seeks to enroll. (B/T 6/1/2001)

3335-9-09 Student addresses.

At the time of registration each student shall submit to the office of the university registrar the address of the person who should be notified in case of emergency and his or her local address. All subsequent changes to these addresses shall be promptly reported to the office of the university registrar as long as the student is currently enrolled at the university.

3335-9-10 Removal of entrance conditions.

Entrance conditions assessed against students at the time of admission or transfer to a college may be removed by the executive vice president and provost, when the dean of a college in which the conditioned student is registered has certified to the director of admissions that the deficiencies have been made up. The methods to be followed in making up entrance conditions shall have the joint approval of the director of admissions and the dean of the college concerned and, for undergraduate students, shall be in accordance with policies established by the council on academic affairs in consultation with the council on admission and registration. Removal of entrance conditions shall take precedence over the student's regular college schedule. If credits earned in the university are to be substituted for such deficiencies, the student must earn a grade of "A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+" or "D" in courses approved to remove admission conditions. (B/T 4/4/97, B/T 7/10/98, B/T 12/4/98)

3335-9-11 Regular tenure-track faculty, regular clinical faculty, regular research faculty, and senior administrative and professional employees pursuing additional degrees.

Faculty members: No regular tenure-track faculty member, regular clinical faculty member, or regular research faculty member will be permitted to pursue a degree offered by the college in which the faculty member holds an appointment. In those instances where faculty members wish to pursue degrees in other colleges of this university, they must demonstrate that the acquisition of these degrees enhances their own competence as teachers and scholars. In making decisions to pursue additional degrees, university faculty must consider first and foremost the requirements of their total university commitment and responsibilities. Requests to pursue additional degrees must be approved by the chair of the department in which the faculty member holds appointment, dean of the college in which the faculty member holds appointment, dean of the school or college in which the degree would be granted (the dean of the graduate school in consultation with the executive committee of the council on research and graduate studies or dean of a professional college), and the executive vice president and provost.

Senior administrative and professional appointees: In those instances where senior administrative and professional appointees wish to pursue degrees at this university, they must demonstrate that the acquisition of these degrees enhances their competence as university employees. In making decisions to pursue additional degrees, senior administrative and professional appointees must consider first and foremost the requirements of their total university commitment and responsibility. Requests to pursue additional degrees must be approved by the immediate supervisor, the appropriate vice president in whose area the senior administrative and professional appointee holds position, dean of the school or college in which the degree would be granted (the dean of the graduate school in consultation with the executive committee of the research and graduate council or dean of a professional college), and the executive vice president and provost. (B/T 6/14/48, B/T 11/1/85, B/T 11/2/90, B/T 5/3/96, B/T 4/4/97, B/T 12/4/98, B/T 6/7/2005)

Registration and Payment of Fees

3335-9-12 Enrollment conditional upon payment of fees.

All bills, fees, and deposits required from students for a quarter, semester, or session, must be paid at the office of fees and deposits no later than the fee payment deadline for that quarter, semester, or session set by the office of the university registrar and approved by the council on enrollment and student progress. (B/T 6/7/2005)

3335-9-13 Application and acceptance fees.

- (A) Undergraduates. Undergraduate applications for first admission to the university must be accompanied by an application fee. This fee is non-refundable and is not credited against any other fees charged by the university.
- (B) A non-refundable acceptance fee is assessed all students enrolling for the first time in one of the university's undergraduate degree-granting colleges or schools or university college. The acceptance fee is to be paid prior to orientation or release of registration materials.
- (C) Professional. Professional applications for admission to the university must be accompanied by an application fee. This fee is non-refundable and is not credited against any other fees charged by the university.
- (D) A non-refundable acceptance fee is assessed all students enrolling for the first time in one of the professional colleges of the university. Payment is to be made prior to release of registration materials.
- (E) Graduate. A non-refundable acceptance fee is assessed all students, except graduate non-degree students, enrolling for the first time in the graduate school of the university. Payment is to be made prior to registration.
- (F) Graduate applications by foreign students for first admission to the university must be accompanied by an application fee. This fee is non-refundable and is not credited against any other fees charged by the university.

3335-9-14 Time of registration and payment of fees; penalties.

- (A) Payment of fees is required of all students each quarter, semester, or session, by the close of business on the date established by the executive vice president and provost in cooperation with the appropriate offices, and published by the office of the university registrar. This fee payment deadline will apply to the postmark date for fees paid by mail and to the date of receipt for fees paid in person. Failure to meet this requirement will result in a penalty assessment, unless excused by the university registrar or designee.
- (B) Students whose fees are paid under contract with a third party will be held responsible for payment if the third party defaults or the contract is terminated.
- (C) The university registrar, as the designee of the executive vice president and provost, reserves the right to refuse registration if fees are not paid by the date on which they are due. (B/T 4/4/97, B/T 12/4/98, B/T 12/6/2001, B/T 3/1/2002)

3335-9-15 Penalty for payment of fees when payment is not honored.

The registration of any student who pays fees by a payment that is not honored upon presentation is subject to cancellation. If permitted to reregister and/or pay, the student will be assessed a penalty for reregistration and the regular penalty for late payment provided for in rule 3335-9-14 of the Administrative Code.

3335-9-16 Administrative holds.

- (A) With the approval of the executive vice president and provost, an administrative hold may be placed on the records or accounts of any person who fails to comply in a reasonable period of time with an obligation imposed under university rules or who has an overdue debt or fine. An administrative hold will cause certain services to be withheld, including, but not limited to: obtaining current quarter grades, registering or enrolling, being certified as eligible to obtain a degree or certificate, receiving a transcript, borrowing books or equipment, or participating in discount plans available to faculty, staff, or alumni.
- (B) The unit originating an administrative hold on the records or accounts of any person shall notify the person in writing of the obligation that is overdue by providing another itemized billing or list of actions requested, specifying when the administrative hold will become effective, and indicating the name and method of contacting an individual who can provide additional information.
- (C) Any disputes concerning the legitimacy of a hold or its processing will be resolved by the university registrar. (B/T 4/4/97, B/T 12/4/98)

3335-9-17 Timely registration.

All students are required to submit course requests each quarter, semester, or session, following procedures promulgated by the office of the university registrar. Failure to comply with this rule will result in a penalty assessment. (B/T 6/7/2005)

3335-9-17.1 Additions to approved schedules.

- (A) Until the official closing time on the first Friday of a quarter additions to approved schedules in undergraduate colleges require the approval of the student's enrollment unit.
- (B) After the first Friday of a quarter and until the official closing time of the second Friday, additions to approved schedules require the permission of the instructor (or, with the instructor's concurrence, a representative as appointed by the department) and the approval of the student's enrollment unit.
- (C) After the second Friday of a quarter, additions to approved schedules require the permission of the instructor (or, with the instructor's concurrence, a representative as appointed by the department), the permission of the chair of the instructor's department or the director of the school (or of the designated representative of the chair or the director), and the approval of the student's enrollment unit.
- (D) After the third Friday of the quarter, additions to approved schedules will not be permitted. Exceptions will be granted only by petition. Petitions must be filed with the authorized representative of the dean or director of the enrollment unit. Petitions will be approved only on the basis of clearly documented clerical error or unusual and extenuating circumstances beyond the student's control.
- (E) Because of the accelerated nature of summer-term courses, deadlines for adding these courses are as follows: from the first day of classes until the official closing time on the first Friday of each summer term a student may add a course only with the permission of the instructor (or, with the instructor's concurrence, a representative as appointed by the department) and the approval of the student's enrollment unit. After this date a student wishing to add a summer-term course to the approved schedule must have, in addition, the permission of the instructor's department chair or the director of the school (or of the designated representative of the chair or the director).
- (F) For courses of shorter duration deadlines and approval procedures will be established by the instructional unit in which the course is offered after consultation with the office of the university registrar.

- (G) The graduate school and graduate professional colleges shall formulate rules to govern additions to approved schedules, subject to approval of the council on academic affairs and publish them in their respective bulletins. (B/T 12/8/77, B/T 2/3/84, B/T 2/1/91, B/T 5/3/96)

3335-9-18 Return of fees.

- (A) Fees (except for the application and acceptance fees) are returnable in part if a student withdraws from the university for any cause other than at the request of the university and if such withdrawal is made within the period established by the executive vice president and provost in cooperation with the appropriate offices, and published by the office of the university registrar. The application fee and the acceptance fee are not returnable irrespective of the reason for withdrawal.

Students dismissed from the university or withdrawing at the request of the university are not entitled to any refund of fees.

- (B) In order to be eligible for the listed refund, the student's record and account must be free of any administrative hold (see rule 3335-9-16 of the Administrative Code).
- (C) If exceptional conditions prevent the presentation of the authorization to withdraw at the office of fees and deposits at the proper time, and if the student has not been able to attend classes during this time, the case should be referred for decision to the university registrar or designee.
- (D) If fees are paid under mistake of law or fact, they are returnable in full.
- (E) Fees are not returnable except as provided in this rule. (B/T 3/1/2002, B/T 6/7/2005)

3335-9-19 Instructional and general fees for instructors, graduate teaching associates, graduate research associates, graduate administrative associates, fellows, scholars, and university employees.

- (A) "Fees authorized" are those fees which are paid on behalf of a student through university accounts for the purpose of services rendered, employee benefits or student assistance. A fee authorization provides the authority to spend money from whatever account is specified to pay student fees. All fees must be authorized following procedures promulgated by the office of fees and deposits. An approved fee authorization will be processed as an expenditure against the department and account specified.
- (B) The payment of instructional and general fees may be authorized, except as specifically prohibited by the university, for those within the following classifications:
- (1) Members of the instructional staff of the university, with the rank of instructor and above who were employed before July 1, 1955 and who are registered in the graduate school, and any member of the teaching staff who, on the approval of the appropriate instructor and department chair or director of a school, enrolls as an auditor (rule 3335-9-11 of the Administrative Code).
 - (2) Graduate teaching associates, graduate research associates, and graduate administrative associates who meet the specified requirements of enrollment and employment may have their instructional and general fees authorized for payment as a benefit for services rendered.
 - (3) Employees of organizations having specific contracts with the board of trustees of the university whereby fees of persons designated by the agreement are authorized, in whole or in part, in lieu of payment for service rendered by the organization to the Ohio state university.
 - (4) Undergraduate and professional students eligible for the authorization of fees under scholarship assistance programs.

- (5) Graduate students eligible for the authorization of fees under university, private, and governmental fellowships and traineeship agreements.
- (6) Qualified university employees under the provisions of the fee authorization program as administered by the office of human resources. As a general principle, employees who are members of the administrative or clerical staff of the university will not be permitted to take courses except outside of the prescribed working hours.
- (C) The president, subject to the approval of the board of trustees, shall have authority to enter into an agreement with an organization or person not provided for in another category.
- (D) A copy of the agreement and the names of person, or persons, designated to sign and certify fee authorizations will be filed with the office of human resources. All agreements shall contain information as to who is responsible for the overall administration of fee authorizations for these programs. Problems of coordination and individual cases that need interpretation of the rules concerning fee authorizations shall be referred for decision to the office of human resources.
- (E) In all cases where interpretation and application of the rules specified herein are required, the question shall be referred for decision to the office of human resources. (B/T 6/7/2005)

3335-9-20 Improper admission or registration.

Admission or registration may be cancelled by the director of undergraduate admissions or the university registrar in cases of improper registration or when false or incomplete information is provided on the application for admission, registration forms, or other official documents. No credits earned subsequent to such cancellation and prior to proper admission or registration shall be entered upon the permanent record of the student. Students whose admission or registration is cancelled are not entitled to any refund of fees. (B/T 5/4/2001)

Absences

3335-9-21 Absences.

Each department or school may make its own rules relative to occasional absences by students from scheduled activities. If, however, a student is absent from a course to such an extent as to imperil his or her credit, or is notably irregular in attendance, it shall be the duty of the instructor concerned to report the facts promptly to the dean of the college in which the student is enrolled. The dean may take such action as deemed appropriate.

3335-9-22 Group absences.

- (A) Whenever possible, group absences shall be planned so that they do not conflict with regularly scheduled classes.
- (B) When a student misses class in order to participate in a university sanctioned event, such as a field trip for another class, or an athletic or band event, or a specially scheduled class or examination scheduled in accordance with rule 3335-8-15 of the Administrative Code, it is the student's responsibility to present, at the earliest possible date, documentation of the required absence to each instructor whose class is to be missed. Documentation may include a copy of the course syllabus that shows the scheduled activity from a class scheduling an event or special session, or a memo from the instructor, coach, or person in authority requiring the absence. It shall be the responsibility of the instructor of the class or coordinator of the event causing the student to miss class to provide such documentation to the student. This documentation may be the basis of an excuse for an absence from class under the policies provided in rule 3335-9-21 of the Administrative Code.
- (C) Instructors of the regularly scheduled classes which have been missed by students attending special sessions or examinations should make reasonable efforts to assist students who miss a class due to authorized absence. The instructor, however, is not obligated to provide make-up

classes, laboratory exercises, field trips, or examinations. The student is responsible for material covered in class during the absence. If an examination will be missed, the student should make alternate arrangements prior to the absence with the instructor of the class. (B/T 6/3/88, B/T 6/4/2004)

Warning and Dismissal

3335-9-23 Minimum scholastic requirements.

- (A) Rules 3335-9-23 to 3335-9-28 of the Administrative Code shall apply only to undergraduate students (as defined in rule 3335-9-01 of the Administrative Code). The academic standards controlling warning, probation, and dismissal of professional and graduate students shall be established by rule of the faculties of the college in which the professional student is registered, or of the graduate school if the student is a graduate student; provided, however, that an undergraduate professional student shall not be dismissed from the university unless he or she has fifteen or more deficiency points as defined in paragraph (C) hereof and computed on the basis of the student's entire undergraduate program.
- (B) Application of rule to transfer students. For the purpose of this rule the deficiency points of a transfer student from another university, who is admitted to advanced standing in this university shall be computed only upon work done at this university.
- (C) Requirements and definition. In order to remain in good standing in the university a student must maintain a point-hour ratio (see rule 3335-8-26 of the Administrative Code) of at least 2.00. Deficiency points are applied only to the records of students whose point-hour ratio is below 2.00 and are defined as the number of credit points a student would have to earn to bring his or her point-hour ratio up to that level. Deficiency points may be calculated by subtracting the total number of credit points earned from twice the total number of credit hours attempted for which calculable grades ("A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+," "D," "E," or "EN") were given. (B/T 6/4/2004, B/T 6/7/2005)

3335-9-24 Academic warning.

- (A) Any student who has never attended another college or university and who seeks to enroll as a new freshman in this university shall be placed on special warning when his or her application for admission is received and processed if his or her academic credentials indicate the probability of low achievement. The student shall be so informed before final registration and the payment of fees are completed, except as provided in rule 3335-9-27 of the Administrative Code. The fact that special warning has been given shall be made known to the office of the college or school to which the student seeks admission.
- (B) If, at the end of any quarter, a student subject to the provisions of rule 3335-9-23 of the Administrative Code has accumulated fewer than fifteen deficiency points, he or she shall receive a warning from the dean of his or her college or director of his or her school, except as provided in rule 3335-9-27 of the Administrative Code.

3335-9-25 Academic probation.

- (A) Any student who has accumulated fifteen or more deficiency points shall be placed on probation. The probation shall continue provided the student's college considers the student's progress to be satisfactory and shall be removed when the deficiency points are fewer than fifteen. The student shall be notified of probationary status by the dean of the college or the director of the school in which the student is registered, except as provided in rule 3335-9-27 of the Administrative Code. Such notification shall include a clear statement of what shall be considered to be satisfactory progress.
- (B) Probation by special action. If at any time the preparation, progress, or success of a student in an academic program is determined to be unsatisfactory, the college or school in which the student is registered shall be empowered to place the student on academic probation. An

undergraduate student admitted with conditions and who has not satisfied the conditions after earning thirty quarter credit hours through regular course enrollment at this university shall be placed on academic probation.

- (C) Requirements and definition. In order to remain in good standing in the university a student must maintain a point-hour ratio (see rule 3335-8-26 of the Administrative Code) of at least 2.00. Deficiency points are applied only to the records of students whose point-hour ratio is below 2.00 and are defined as the number of credit points a student would have to earn to bring the student's point-hour ratio up to that level. Deficiency points may be calculated by subtracting the total number of credit points earned from twice the total number of credit hours attempted for which calculable grades ("A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+," "D," "E," or "EN") were given. (B/T 6/4/2004, B/T 6/7/2005)

3335-9-26 Academic dismissal.

If the student's college or school considers a student's progress as unsatisfactory in meeting the conditions placed on his or her probation, the college or school shall be empowered to dismiss the student from the university. An exception to this authority for undergraduate professional students shall be in accordance with paragraph (A) of rule 3335-9-23 of the Administrative Code. Notice of the dismissal shall be sent to the student by the dean of the college or the director of the school in which the student was registered for the quarter, except as provided in rule 3335-9-27 of the Administrative Code. No student shall be subject to academic dismissal unless he or she is currently on probation.

3335-9-27 Notice of dismissal.

Notice of dismissal from the university shall be sent by the dean of the college in which the dismissed student is registered.

3335-9-28 Reinstatement after academic dismissal.

Any student who may be reinstated by a college or school following academic dismissal shall be subject to such special requirements as may be determined appropriate by the dean of the college or director of the school. If the performance record of any reinstated student does not meet the conditions of probation specified at the time of reinstatement, then the college or school in which the student is registered shall determine whether the student is to be dismissed or continued on probation.

Graduation

3335-9-29 Degrees and certificates.

- (A) Degrees and certificates shall be awarded undergraduate and professional students by the board of trustees upon recommendation of the college or school faculties and the university senate, transmitted to the board by the president.
- (B) Degrees and certificates shall be awarded graduate students by the board of trustees upon recommendation of the research and graduate council and the university senate, transmitted to the board by the president. (See rule 3335-5-35 of the Administrative Code.) (B/T 6/7/2005)

3335-9-30 Requirements for an undergraduate baccalaureate degree.

To obtain an undergraduate baccalaureate degree from this university, an undergraduate student must:

- (A) Have earned a minimum of forty-five quarter hours credit through regular course enrollment at this university.
- (B) Have been enrolled in the college, the federation of the colleges of the arts and sciences, or the school recommending that degree during the last quarter necessary to complete degree

requirements. The executive committee of the college, the federation of the colleges of the arts and sciences, or the school recommending the degree may, on petition by the student, waive this requirement.

- (C) Have satisfactorily completed the number of credit hours required for the curriculum being pursued. The minimum number of credit hours required in each curriculum shall include the credit hours required under rules 3335-8-06 and 3335-8-07 of the Administrative Code. Credit hours required to satisfy admission conditions shall not be used to satisfy the requirements of rules 3335-8-06 and 3335-8-07 of the Administrative Code. Credit hours are considered as "satisfactorily completed" only if the student has received, at this university, the mark "A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+," "D," "EM," "K," "S," or "PA" in those hours (see rule 3335-8-21 of the Administrative Code).
- (D) Have earned credit points (see rule 3335-8-25 of the Administrative Code) totaling at least twice the number of credit hours attempted at this university for which calculable grades ("A," "A-," "B+," "B," "B-," "C+," "C," "C-," "D+," "D," "E," or "EN") were given.
- (E) Have satisfactorily met all additional college and curricular requirements for the degree involved.
- (F) Have filed an application for the degree in accordance with rules prescribed by the college or school.
- (G) Except for paragraph (B) of this rule, waiver of any part of this rule in the case of individual students may be made only by the council on academic affairs following prior approval by the appropriate executive committee. The executive vice president and provost shall transmit all affirmative actions of the council on academic affairs under this paragraph to the secretary of the student's college and to the university registrar for notation on the student's permanent record. (B/T 4/4/97, B/T 12/4/98, B/T 6/4/2004, B/T 6/7/2005)

3335-9-31 Requirements for a graduate degree.

To obtain a graduate degree from this university, a graduate student must have met the minimum requirements established by the research and graduate council and approved by the board of trustees, and have filed an application for the degree in accordance with rules prescribed by the research and graduate council. (B/T 6/7/2005)

3335-9-32 Requirements for a professional degree.

- (A) To obtain a professional degree from this university, a student must meet the minimum requirements established by the college or school recommending the degree. In establishing such minimum requirements, the college or school shall include or exceed the minimum requirements stipulated by the appropriate accrediting body. Such graduation requirements shall be subject to approval by the council on academic affairs and shall be filed with the secretary of the board of trustees.
- (B) Waiver of minimum requirements may be made by the faculty of the college or school recommending the degree or by a committee approved by that faculty. Requests for such waiver may be initiated by student petition or by the dean or director. The council on academic affairs shall be notified at least quarterly of each such action.

3335-9-32.1 Requirements for certificate of study.

A certificate of study may be awarded concurrent with or following the student's receipt of a baccalaureate degree. Award of such certificates shall attest to demonstrated competence in a coherent academic curriculum, program, or area of study.

- (A) To obtain a certificate a student must:

- (1) Have been or be enrolled in the university during the last quarter of work necessary to complete the certificate requirement. In addition, the student must meet any residency requirement established by the college, the federation of the colleges of the arts and sciences, or the school recommending the certificate.
 - (2) Have earned through regular course enrollment a minimum of forty-five quarter hours credit in an approved certificate program. No certificate program shall require enrollment in and credit for more than ninety quarter hours. At least one-third of all quarter hours credit earned in a certificate program shall be at the 500-level or above. No more than five credit hours in the certificate program may be counted toward the student's undergraduate major or minor. Credit hours used to fulfill the requirements for one certificate may not be counted toward any other certificate.
 - (3) Have earned the mark of "A," "A-," "B+," "B," "B-," "C+," "C," or "C-" for all courses counted toward the completion of the certificate requirements.
 - (4) Have attained an undergraduate cumulative grade point average of 2.00 (or a graduate cumulative grade point average of 3.00, as appropriate) in courses used to satisfy the certificate program requirements.
 - (5) Have satisfactorily met all additional college or school requirements for the certificate involved.
 - (6) Have filed an application for the certificate in accordance with rules prescribed by the college, federation of the colleges of the arts and sciences, or school.
- (B) Waiver of any part of this rule in the case of individual students may be made only by the council on academic affairs upon recommendation of the executive committee of the college, colleges, or school. The executive vice president and provost shall transmit all affirmative actions of the council under this section to the secretary of the student's enrollment unit and to the university registrar for notation on the student's permanent record.
- (C) The colleges of dentistry, law, medicine, optometry, and veterinary medicine, and the graduate school may establish requirements and conditions, rather than those above, for certificates of study. Such requirements must be approved by the council on academic affairs.
- (D) Authority for approval of all certificate programs shall rest with the council on academic affairs. Proposal for graduate certificates must also receive the approval of the research and graduate council. The president of the university and the university senate shall be regularly informed of council actions in this regard. (B/T 2/2/79, B/T 2/3/84, B/T 7/12/85, B/T 11/2/90, B/T 4/4/97, B/T 12/4/98, B/T 6/7/2005, B/T 12/2/2005)

3335-9-33 Standards for honors at graduation.

- (A) Degrees "cum laude," "magna cum laude," and "summa cum laude" may be granted for exceptional achievement in the curriculum of each enrollment unit. The designation "summa cum laude" may be granted only for those students who have achieved at least a 3.90 cumulative point-hour ratio at the time of graduation. The designation "magna cum laude" may be granted only for those students who have achieved at least a 3.70 cumulative point-hour ratio at the time of graduation. The designation "cum laude" may be granted only for those students who have achieved at least a 3.50 cumulative point-hour ratio at the time of graduation.
- (B) Eligibility for these honors shall be based on a minimum of ninety credit hours of course enrollment at this university. The marks for all Ohio state coursework considered toward the degree will be included in calculating a student's eligibility for such honors, except that for a student who has completed ninety credit hours subsequent to application of a fresh start, in accordance with rule 3335-8-26.1 of the Administrative Code, only those marks received for

coursework subsequent to fresh start will be considered toward calculating a student's eligibility for such honors.

- (C) Standards for graduation "with distinction in [special subject(s)]" and "with honors in []" shall be as adopted by the council on academic affairs.
- (D) Beyond these minimal requirements the enrollment units may establish additional stipulations for graduation "cum laude," "magna cum laude," and "summa cum laude." (B/T 3/5/76, B/T 3/6/92, B/T 6/2/2000, B/T 6/4/2004)

Chapter 3335-11

RULES OF THE UNIVERSITY FACULTY
STUDENT AFFAIRS

University Discipline

3335-11-01 General discipline.

- (A) The president shall have the final responsibility and authority for the discipline of all students of the university. This responsibility and authority may be delegated by the president to the vice president for student affairs (see paragraph (H) of rule 3335-1-03 of the Administrative Code).
- (B) The deans of colleges and of the graduate school, the directors of schools, and the chairs of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments. (B/T 9/1/99, B/T 6/1/2001)

3335-11-02 Disruption.

- (A) No student, faculty, staff, visitor, or other person shall, with an intent to disrupt university authorized activities:
 - (1) Obstruct the lawful movement of any person or persons about the campus, into or out of any university building or facility, or within any university building or facility and fail to desist when so ordered by an authorized university official;
 - (2) Obstruct the movement of vehicular traffic on the streets of the university, and fail to desist when so ordered by an authorized university official;
 - (3) Occupy a university building or facility in such a manner as to prevent others from carrying out university authorized activities and fail to depart when informed by an authorized university official that he or she is disrupting university authorized activities and must depart;
 - (4) Interfere with the conduct of a class, office, laboratory, or other university authorized activity by shouting, chanting, marching, throwing missiles, or otherwise creating such a disturbance that the authorized activity cannot, in the judgment of an authorized university official, be carried on, and fail to desist when so ordered by an authorized university official;
 - (5) Employ force or violence or the explicit threat of force or violence, to prevent any person or persons from carrying out university authorized activities;
 - (6) Damage public address systems, television sets, laboratory equipment, computer systems, or other property used for the carrying out of university authorized activities;
 - (7) Solicit any person or persons to violate paragraphs (A)(1) to (A)(6) of this rule, knowing that there is a clear and present danger that such violations will occur (but a person shall not be charged with soliciting unless a violation of paragraphs (A)(1) to (A)(6) of this rule occurs as a result of this solicitation).
 - (8) This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott of classes or other forms of peaceful dissent.
- (B) Any student found guilty of the conduct proscribed in paragraphs (A)(1) to (A)(7) of this rule shall be subject to maximum sanction of dismissal or any lesser disciplinary sanction pursuant to rule 3335-11-02.1 of the Administrative Code.

- (C) Non-students charged with the conduct proscribed in paragraphs (A)(1) to (A)(7) of this rule shall be referred to an appropriate authority.
- (D) Definitions.
 - (1) The phrase "with an intent to disrupt" shall be taken to mean that a person knows or reasonably should know that his or her act or acts will have the consequence of preventing others from carrying out university authorized activities.
 - (2) The phrase "to obstruct" shall be taken to mean making the movement of a person or vehicle from one place to another difficult or impossible; it shall not be taken to mean making that movement inconvenient.
 - (3) The phrase "university authorized activity" shall be taken to mean any activity that the university conducts, sponsors, or permits to be carried out on the campus or in any university building or facility.
 - (4) The phrase "an authorized university official" shall be taken to mean any person to whom the university has delegated authority to supervise a building or facility, or any part of a building or facility, or to supervise the movement of people and vehicles on the campus.
 - (5) The phrase "campus" shall be taken to mean university owned or controlled property.

3335-11-02.1 Hearing officers and panels.

- (A) The council on student affairs shall recommend to the president, subject to the approval of the board of trustees, a list of attorneys, unaffiliated with the university, who shall be authorized to act as hearing officers to preside over disciplinary proceedings under rule 3335-11-02 of the Administrative Code. One such attorney shall be designated by the president as chief hearing officer, whose duties shall include:
 - (1) Assisting the council on student affairs in preparing and enacting procedural rules to guarantee due process, including, but not limited to, the procedural recommendations contained in the report and recommendations of the university committee on rights and responsibilities (the Ohio state university, September 15, 1968);
 - (2) Selecting hearing officers as needed from the approved list;
 - (3) Reviewing every case in which sanctions have been recommended, to determine whether such sanctions should be imposed or reduced, or whether the case should be dismissed or remanded for further hearing;
 - (4) Forwarding completed cases to the vice president for student affairs for administrative implementation in accordance with their final determination by the chief hearing officer;
 - (5) Hearing on appeal student disciplinary cases, not including university actions relating to academic failure or violations of a code of professional ethics or of an honor code of these colleges or academic units having such codes, where an appeal is taken by any student from any such action by the student's college, university committee, or other properly authorized university adjudicatory body, only in those cases where the penalty assessed was suspension, dismissal, or expulsion.
- (B) That an array of hearing panelists, large enough to allow at least three panels, shall be selected by lot consisting of:
 - (1) Faculty members,
 - (2) Undergraduate students,

(3) Graduate and professional students, and

(4) Administrative staff members.

Any person selected to serve as hearing panelist may be exempted from such service if that person declines.

- (C) The chief hearing officer shall, by lot, select from the array hearing panels, each composed of two faculty members, two undergraduate students, one graduate or professional student, and one administrative staff member. The hearing panels shall have original jurisdiction to hear cases of alleged student violation of rule 3335-11-02 of the Administrative Code brought before it by authorized university officials, make findings of fact, determine a verdict, and, in the event of a guilty verdict, to recommend sanctions.
- (D) The university and the defendant shall have the right to challenge for cause. The hearing officer shall hear challenges for cause. (B/T 5/1/86, B/T 7/12/91, B/T 4/3/98, B/T 6/1/2001)

3335-11-02.2 Pending criminal law suit.

- (A) Whenever a criminal court exercises jurisdiction over acts which allegedly constitute a disruption by university rules, the university shall not exercise jurisdiction, except in an extraordinary case. In such a case, the university may bring the student before a hearing officer and panel to determine whether the student poses a clear and present danger of repeated or continued violation of rule 3335-11-02 of the Administrative Code. If the panel finds that such a danger exists, it shall recommend that the student's continued enrollment be dependent on the imposition of strict disciplinary probation, under such terms and conditions as the hearing officer may specify (except that the student may not be deprived of university scholarship, loan, grant-in-aid, or employment).
- (B) The term of probation shall last until such time as the hearing officer finds that the danger no longer exists. This finding may be initiated by the officer or upon petition by the student.
- (C) If a probation violation is alleged to have occurred, the student will be subject to an immediate hearing before a hearing officer. If found in violation of probation, the student will be temporarily suspended or dismissed from the university pending a full hearing. (B/T 5/1/86, B/T 7/11/86)

Activities

3335-11-03 Organized activities.

- (A) The vice president for student affairs shall promulgate regulations governing all organized activities which are university connected and in which students or the spouses of students participate.
- (B) These regulations shall include a requirement that each registered organization shall have an adviser, selected by the student organization from members of the university faculty or administrative and professional staff. In accepting responsibility the adviser agrees to maintain contact with the organization so as to be familiar with its program and personnel. In addition, the adviser shall be responsible for advising the organization as to its program and personnel, having in mind not only the objectives of the particular group but also the purposes of the university, one of which is to foster a spirit of free inquiry in a setting which provides for open-minded, objective, and critical evaluation of the ideas expressed.

3335-11-04 Eligibility of students.

- (A) The vice president for student affairs shall promulgate regulations governing the eligibility of students for participation in all organized activities. (See rule 3335-11-03 of the Administrative Code.)

- (B) Participation in activities as a part of regular course work shall not be construed as participation in an organized activity for the purpose of rule 3335-11-03 or 3335-11-04 of the Administrative Code.

3335-11-05 Promulgation of regulations.

Before promulgating the regulations authorized under rules 3335-11-03 and 3335-11-04 of the Administrative Code and before amending such regulations after they have been promulgated, the vice president for student affairs shall obtain the recommendation of the council on student affairs. (See rule 3335-5-48.4 of the Administrative Code.) (B/T 6/1/2001)

3335-11-06 Student use of university facilities.

- (A) University facilities including outdoor space assigned to a student organization shall be used only for the usual activities of such student organizations. If a student organization desires to use such facilities for purposes other than its usual activities, it shall request permission for such use from the office of student activities.
- (B) No student, group of students, or registered student organization may announce an activity involving the use of university facilities including outdoor space or may use such facilities for an activity, unless such use has first been approved and scheduled first by the office of student activities, or other office in charge of scheduling for that particular building, as delegated by the office of the university registrar in accordance with rule 3335-13-03 of the Administrative Code. (B/T 7/8/2005)

The Ohio Union

3335-11-07 Purpose.

The Ohio union exists for the primary purpose of serving students in their cultural, social, recreational, and leadership activities. The Ohio union is also established to serve the faculty, staff, alumni, and guests of the university. (B/T 9/7/59, B/T 7/11/75, B/T 4/2/96, B/T 6/29/2001)

3335-11-08 Director.

The director shall be the chief administrator of the Ohio union. The director shall have the general administrative responsibility for the programs and financial affairs of the union. The director shall be responsible to an assistant vice president for student affairs and report annually to the council on student affairs. (B/T 9/7/59, B/T 12/3/71, B/T 7/11/75, B/T 7/12/91, B/T 4/2/96, B/T 6/29/2001)

3335-11-09 The Ohio union council.

- (A) The Ohio union council shall consist of seventeen members chosen as follows:
 - (1) Students.
 - (a) Two graduate students selected by the council of graduate students. One student will serve a one-year term, and one student will serve a two-year term.
 - (b) Two professional students selected by the inter-professional council. One student will serve a one-year term, and one student will serve a two-year term.
 - (c) Two undergraduate students selected by the undergraduate student government. One student will serve a one-year term, and one student will serve a two-year term.
 - (d) Two student members from registered student organizations shall be selected by the director of student activities. One student will serve a one-year term, and one student will serve a two-year term.

(2) Regular faculty.

Two regular members selected by the faculty council. Term of service shall be two years.

(3) Staff members.

(a) The director shall be an ex-officio, non-voting member of the council.

(b) One union staff member shall be appointed by the director. Term of service shall be two years.

(c) One staff member from across the university shall be appointed by the vice president for student affairs under procedures established and documented by the council. Term of service shall be two years.

(4) Alumni members.

Two alumni members shall be appointed by the Ohio state alumni association in consultation with the council. Term of service shall be one year.

(5) Community members.

Two community representatives shall be selected under procedures established and documented by the council. Term of service shall be one year.

(B) Duties and responsibilities.

(1) Establish general policy on such matters as, but not limited to, financial planning, facility use, student development, public and campus relations. These policies shall guide the administration of the program of the union by the director of the union, but the council shall not serve in an administrative capacity.

(2) Report regularly to the council on student affairs.

(C) Organization.

The chair shall be elected from among the voting members of the committee. (B/T 9/7/59, B/T 2/9/67, B/T 11/9/67, B/T 12/3/71, B/T 7/11/75, B/T 7/20/79, B/T 2/7/86, B/T 11/2/90, B/T 7/12/91, B/T 4/2/96, B/T 4/3/98, B/T 6/29/2001, B/T 3/3/2006)

3335-11-10 University recreational sports committee.

(A) Membership.

The university recreational sports committee shall consist of twenty-one members:

(1) Two faculty members appointed by the faculty council. The term of service is two years.

(2) Nine students:

(a) Two graduate students selected by the council of graduate students. The term of service is two years.

(b) One professional student selected by the inter-professional council. The term of service is one year.

(c) Six undergraduate students selected by the undergraduate student government. The term of service is two years.

- (3) Two staff members selected by the university staff advisory committee. The term of service is two years.
 - (4) Seven administrators or their designees, non-voting:
 - (a) The vice president for student affairs.
 - (b) The senior vice president for business and finance.
 - (c) The director of the department of recreational sports.
 - (d) The associate vice president for the department of physical facilities.
 - (e) The director of the department of athletics.
 - (f) The director of the school of physical activity and educational services.
 - (g) The director of the student wellness center.
 - (5) One non-voting staff member from the department of recreational sports to act as the secretary for the committee. The term of service is one year.
- (B) Duties and responsibilities.
- (1) Initiate recommendations and review proposals with regard to policies that may affect the recreational sports facilities and programs.
 - (2) Make recommendations to the director of recreational sports regarding the usage priority for recreational sports facilities space, co-operative recreational sports ventures, and adjustments to agreements specified in the 1998 Larkins hall "Project Memorandum of Understanding."
 - (3) Collect feedback on recreational sports issues in order to evaluate the quality of recreational sports facilities maintenance, daily operations, and programs, recommending changes as appropriate.
 - (4) Annually review and revise the long-term maintenance plan for recreational sports facilities.
 - (5) Reviewing all budgets and expenditures of the department of recreational sports and the appropriate portions of budgets and expenditures of all general funds, student affairs funds, college of education and human ecology funds, and department of athletics funds that contribute to recreational facilities operations and programs.
 - (6) Deciding the future of the Larkins hall construction debt service portion of the student recreation fee once the debt service has been retired.
 - (7) Recommending the disbursement of windfall dollars such as donor gifts, corporate sponsorship and advertising revenue upon review of established recreational sports facilities funding proformas.
 - (8) Recommending intra-departmental fees for non-recreational sports use of space designed and funded for recreational sports.
 - (9) Serve as a channel of communication for information regarding recreational sports among the office of business and finance, the department of physical facilities, the college of education and human ecology, the school of physical activity and educational services, the department of athletics, the council on student affairs, the athletic council, the undergraduate student government, the council of graduate students, the inter-professional council, faculty council, and the university staff advisory committee.

(10) Report annually to the council on student affairs.

(C) Organization.

(1) The chair shall be elected from among the student membership of the committee.

(2) The committee shall establish operating procedures to conduct, in an orderly fashion, the functions of the committee. (B/T 7/11/2003, B/T 12/5/2003, B/T 7/7/2006)

Chapter 3335-13

RULES OF THE UNIVERSITY FACULTY UNIVERSITY PROPERTY

Restrictions

3335-13-01 Drives and canvassing.

- (A) Canvassing or solicitation for funds, sales, or subscriptions are prohibited on university campuses or in university buildings unless written permission therefor shall first have been granted by the office of the university registrar which may seek recommendation regarding requests for permission from appropriate university offices.
- (B) The sale of merchandise of any kind whatsoever, or publications or services upon university property, other than by the regularly authorized stores, restaurants, departments or divisions of the university, is likewise prohibited except upon written permission of the office of the university registrar which may seek recommendation regarding requests for permission from appropriate university offices. The responsibility and authority of the office of the university registrar under this rule may be delegated by it to a member of the university faculty or staff.
- (C) Any persons violating this rule shall be subject, upon proper notice, to eviction from university property or arrest.

3335-13-02 Smoking - tobacco.

The prohibition of the smoking of tobacco within university facilities designated as "No Smoking" areas by the authority delegated by the director of administrative services of the state of Ohio has been established to protect the comfort and health of persons who do not smoke or to whom such smoke is objectionable. Further, the smoking of tobacco in such designated areas is a violation of section 3791.031 of the Revised Code, and all violators are subject to prosecution.

3335-13-03 University facilities.

- (A) University facilities may be scheduled and used only if the meeting is sponsored by at least one of the following: the university; an administrative unit of the university; the president or a member of his or her staff; a member of the university faculty; a club or committee of university faculty members, university staff members, or their spouses; or a recognized student organization (see rule 3335-11-03 of the Administrative Code).
- (B) The office of the university registrar shall be responsible for the scheduling of and shall have the necessary authority to schedule all university facilities. No meeting shall be scheduled in or announced for any university facility unless permission to use the facility has been obtained in advance from the office of the university registrar. All requests for the use of university facilities shall indicate the nature of the proposed meeting. If the proposed meeting is one to which a guest speaker is to be invited, the request for the use of university facilities shall indicate the name of the guest speaker and shall be submitted to the office of the university registrar at least two weeks prior to the date the meeting is to be held, but such two-week period may be waived by the office of the university registrar if the exigencies of the situation so require and the orderly scheduling of university facilities would not be unduly prejudiced (see rule 3335-5-06 of the Administrative Code).
- (C) The word "meeting" as used in rules 3335-5-06, 3335-11-06, and 3335-13-03 of the Administrative Code means any meeting using university facilities to which the faculty, staff, students or public is invited, except regularly scheduled university courses, conferences approved under university procedures, and meetings of state, regional, national or international organizations approved under university procedures.

- (D) The responsibility and authority of the office of the university registrar under this rule may be delegated by it to a member of the university faculty or of the staff of this university. (B/T 10/12/62, B/T 9/14/65, B/T 12/3/71, B/T 2/3/84, B/T 5/3/96)

3335-13-04 Duplication of keys.

Except as specifically authorized by the president, no person shall knowingly make or cause to be made any key for any building, laboratory, facility, or room of the university. (B/T 4/12/63)

3335-13-05 Control of dogs and other animals.

- (A) No person, being the owner or keeper, or harboring or having charge of any dog or other animal, shall permit the same upon the grounds of the Ohio state university unless it be under the personal control of its owner or keeper by a leash not more than six feet in length. A dog or other animal, leashed but unattended, is not under the personal control of its owner or keeper. Nor shall such a person, being the owner or keeper or harboring or having charge of any dog or other animal, permit the same in any university building or housing, except for seeing eye dogs when accompanying their masters and except for animals brought by their owner or keeper for use for approved research purposes or for observation or care by veterinary clinic personnel.
- (B) Any dog or other animal found upon the grounds of the Ohio state university or in any university building, except as permitted pursuant to the provisions of paragraph (A) of this rule, may be taken into custody by university authorities. University authorities shall, as soon as practicable after assuming custody thereof, turn the dog or other animal over to appropriate county or municipal authorities for delivery to the custody of the humane society. Release from custody should be sought pursuant to the society's rules.
- (C) The owner or keeper of any dog or other animal taken into custody by university officials pursuant to this rule shall pay a fine to the university, upon presentation of a bill therefor, to reimburse the university for costs incurred in impounding the dog or other animal and turning it over to the control and custody of county or municipal authorities. (B/T 7/31/69, B/T 9/2/71, B/T 9/10/76, B/T 8/29/2001)

Patent Rights

3335-13-06 Rights to and interests in patentable discoveries and inventions, copyrights, and related materials.

- (A) This rule shall apply to all products of university research (where "university research" is as defined in the current university policy on patents and copyrights), defined to be inventions and other legally protectable material arising out of university research, including any discovery, invention, know-how, design, model, work of authorship, and any strain, variety or culture of an organism, or any portion, modification, translation or extension of these items. Products of research will not include works of artistry, academic instruction, or traditional scholarship insofar as these works were not produced in connection with a sponsored program or as a part of a specific university duty or assignment.
- (B) The board of trustees deems it in the best interest of the university, its faculty, staff, and students, and in the interest of the promotion of research and development to provide for participation by faculty, staff, and students in the proceeds from products of research conceived or developed by them in the absence of any prior agreements relating to sponsored activities and insofar as allowed by any contract or grant agreements in support of the activity leading to the product of research.
- (C) The board of trustees shall establish a policy on patents and copyrights to be administered under the direction of the president of the university through the office of the senior vice president for research. The provisions of the policy shall be subject to review by the faculty committee on patents and copyrights and recommended to the board of trustees by the university senate.

- (1) The faculty committee on patents and copyrights shall be composed primarily of members of the university faculty and shall elect its own chair. Five members shall be elected by the faculty council in a manner to be determined by the council. One graduate student shall be appointed by the council of graduate students in a manner to be determined by that council. Five members shall be appointed by the president in consultation with the senior vice president for research, the executive vice president and provost, and other appropriate officials of the university. Service on the committee shall be for terms not to exceed three years. An individual may become eligible for committee service again after an absence from the committee of at least one year.
- (2) The specific duties of and the procedures for appeals to the committee shall be as described in the policy on patents and copyrights.
- (D) Subject to the authority of the president of the university, the senior vice president for research is hereby assigned the responsibility for the acquisition, protection and disposition of rights in products of university research in accord with the policy on patents and copyrights. (B/T 4/12/63, B/T 5/8/69, B/T 10/4/85, B/T 4/4/86, B/T 11/2/90, B/T 4/4/97, B/T 12/4/98, B/T 5/7/2004)

3335-13-07 Rules governing faculty and staff participation in companies commercializing university research.

(A) Policy statement.

Pursuant to section 3345.14 of the Revised Code, the university board of trustees has determined that the interests of the university will be served if faculty and some categories of staff are afforded the opportunity to hold personal financial interests in companies commercializing their university research. Faculty and staff participation in technology licensing transactions will facilitate the university's goal of making its research available for use in the private marketplace by giving researchers an incentive to develop inventions with commercial applications. The opportunity to participate in these transactions is also essential to the university's efforts to attract and retain highly-qualified researchers. The procedures and guidelines set forth in these rules are intended to enable the university to realize the benefits of these entrepreneurial activities while protecting the integrity of our research and educational mission and to comply with university policies and applicable federal and state laws.

(B) Definitions.

- (1) A technology commercialization company is a private commercial entity that is owned in whole or in part by a university employee and that has as its purpose the development and commercialization of university-owned technology created by that employee.
- (2) The university's ownership of intellectual property rights in technology created by its faculty and staff is determined in accordance with section 3345.14 of the Revised Code and the university policy on patents and copyrights. As more fully explained in the policy on patents and copyrights, university-owned technology generally does not include textbooks and other scholarly and artistic works.
- (3) The technology transfer oversight committee is the university body responsible for the approval and oversight of technology commercialization companies pursuant to a delegation of authority from the university board of trustees.
- (4) The conflicts of interest administrator is the university official who is responsible for assisting faculty and other university employees in identifying, managing and eliminating conflicts of interest, and in particular for facilitating the development of conflict of interest management plans for faculty and staff participating in technology commercialization companies.

(C) Applicability.

- (1) These rules shall apply to all faculty who create intellectual property owned by the university and who desire to hold an ownership interest in a technology commercialization company.
- (2) These rules shall apply to staff members holding unclassified appointments, graduate associates, and student employees who:
 - (a) Are specifically assigned to engage in research and development activities;
 - (b) Create intellectual property owned by the university; and
 - (c) Desire to hold an ownership interest in a technology commercialization company.

(D) Responsibilities of department chairs and staff supervisors.

- (1) Department chairs are responsible for ensuring that faculty who participate in technology commercialization companies comply with applicable university policies governing the terms and conditions of employment, and academic and research activities. Chairs are also responsible for ensuring compliance with the paid external consulting and faculty conflict of interest policies and for reviewing and making a recommendation as to the propriety of private business activities reported by their faculty in disclosure forms required by those policies.
- (2) Staff supervisors are responsible for ensuring that employees who participate in technology commercialization companies comply with applicable university policies governing the terms and conditions of employment, and academic and research activities. They are also responsible for ensuring compliance with the university policies on conflicts of interest and work outside the university applicable to staff employees and for reviewing and making a recommendation as to the propriety of private business activities reported by staff in disclosure forms required by those policies.

(E) Approval process.

- (1) Faculty and staff members who wish to participate in a technology commercialization company must first obtain approval from their department chairs and deans or other appropriate supervisors. The office for technology licensing will be responsible for establishing the business terms of the transaction between the company and the university, and the conflicts of interest administrator will facilitate the development of a conflict of interest management plan.
- (2) The technology transfer oversight committee will review the sufficiency of business terms and conflict of interest management plans relating to technology commercialization companies. Written approval from the technology transfer oversight committee must be obtained before any business agreements relating to a technology commercialization company are finalized.
- (3) Faculty or staff members who wish to participate in a technology commercialization company may discuss initial company formation with the office for technology licensing; however, they should not, as a general rule, participate in the ongoing negotiation of option and licensing terms between the company and university. As soon as possible, third parties, such as company management and/or legal counsel should perform this function.
- (4) As a prerequisite to the granting of an exclusive license to university technology, a technology commercialization company must provide the office for technology licensing with a viable business plan including, at a minimum, the following:
 - (a) A capitalization plan demonstrating access to funds necessary for company growth;
 - (b) A proposed management team; and

- (c) Milestones for product development and commercial sale.
- (5) In recognition of the university's ownership of the technology, a technology commercialization company shall grant the university an equity interest in the company as negotiated by the office for technology licensing.
- (6) The faculty member's department chair or the staff member's supervisor must be active participants in discussions with the technology transfer oversight committee and in the development of the conflict of interest management plan relating to a technology commercialization company.
- (7) A chair or staff supervisor who has a financial interest or is a co-participant with a faculty or staff member in a technology commercialization company is not in a position to provide effective oversight of that activity. In these situations, another disinterested administrator must be appointed by the technology transfer oversight committee to perform the responsibilities of the chair or staff supervisor.
- (8) If the technology transfer oversight committee determines that, for any reason, it is not possible for the chair, the staff supervisor or another disinterested administrator to provide effective oversight of a transaction involving a technology commercialization company, the transaction should not be approved.
- (F) Responsibility for university duties.
 - (1) Faculty are encouraged to develop discoveries and inventions with commercial potential; however, they should do so with due regard to the broader teaching and research mission of the university. Faculty should not allow their interest in a financial opportunity arising out of their research efforts to influence their teaching, or to interfere with their relationships with other faculty. In particular, research assignments for students should be based on the students' interests and academic development. Faculty should respect and promote the cooperative nature of the academic environment by sharing information and participating in joint research efforts with their colleagues.
 - (2) While faculty are permitted by the policy on paid external consulting and these rules to engage in specified private business activities relating to their university positions, they continue to be responsible for the performance of all of their university teaching, research and service obligations. Authorized private business activities must be undertaken in accordance with the policy on paid external consulting and pursuant to formal consulting and conflict of interest management plans signed by the faculty, the technology commercialization company and the university and approved by the department chair, the conflicts of interest administrator, the office for technology licensing, and the office of legal affairs.
 - (3) Staff members may engage in activities relating to a technology commercialization company during regularly assigned working hours only if they take approved leave. When performed outside regularly assigned working hours, these activities must be undertaken in accordance with the university policies on conflicts of interest and work outside the university applicable to staff employees and pursuant to a formal conflict of interest management plan signed by the staff member, the technology commercialization company and the university and approved by the department chair and/or supervisor, the conflicts of interest administrator, the office of technology licensing, and the office of legal affairs.
 - (4) Staff members may pursue research projects as authorized by their supervisors. Supervisors should authorize only those staff research projects that will advance the missions of the university and the employing unit, without regard to the financial interests of individual employees.

(G) Conflict of interest management standards.

- (1) University facilities, equipment and other resources may be used for research benefiting a technology commercialization company only pursuant to a sponsored research agreement, facilities use agreement or other appropriate contractual arrangement.
- (2) As a general rule, faculty or staff should not hold management positions in technology commercialization companies. While they may initially find it necessary to play a management role in a newly-formed company, it is expected that their management responsibilities will decrease as the company develops. Professional management should be brought in at the earliest opportunity. In order to ensure the application of this principle, agreements between the university and a technology commercialization company should contain enforceable milestones for the reduction of these management responsibilities. Failure to comply with these agreed-upon milestones will result in the company's inability to engage in sponsored research, utilize student employees and the other commercialization agreements and/or activities permitted under these guidelines.
- (3) Faculty should not allow their management activities with technology commercialization companies to consume a disproportionate amount of their professional attention. Faculty engaged in approved private business activities who are unable to perform all of their university responsibilities must reduce those activities or request a reduction of appointment or other approved leave. Professional improvement leave authorized under section 3345.28 of the Revised Code may not be used for private business purposes.
- (4) Staff members who are unable to perform all of their university duties because of activities in connection with technology commercialization companies must reduce those activities or request a reduction of appointment or other approved leave.
- (5) Graduate and undergraduate students may use university facilities, equipment and other resources to perform research benefiting a technology commercialization company only pursuant to a sponsored research agreement. As stipulated in the graduate school handbook, such research may not be used to satisfy the criteria for a thesis or dissertation if the material is restricted from publication. Students must be informed in writing of this restriction prior to the start of their research.
- (6) Students may be employed by a technology commercialization company, subject to the limitation set forth in paragraph (G)(7) of this rule. Prior to such employment, the student, the faculty or staff member, the chair of the student's department, the chair of the graduate studies committee and a company representative must sign an agreement disclosing the student's rights and obligations.
- (7) A student may not be employed by a technology commercialization company in which a faculty member has an ownership interest if:
 - (a) The student is enrolled in a course taught by the faculty member;
 - (b) The faculty member is a member of the student's thesis or dissertation committee; or
 - (c) The faculty member is the student's advisor or the director of his or her thesis or dissertation research.

Such students may perform research benefiting a technology commercialization company only pursuant to a sponsored research agreement or other formal internship agreement through the university.

- (8) Technology commercialization companies may not enter into any agreements with the university for the purchase, sale or rental of equipment, supplies or services other than those explicitly authorized by the technology transfer oversight committee.

- (9) As a general rule, faculty and staff members who are not directly involved with research and development of technology licensed to a technology commercialization company may not hold equity interests in that company. Equity ownership in these situations is permissible only to the extent allowed by section 2921.42 of the Revised Code.
- (10) University regulatory review boards including, for example, the institutional review board and the institutional laboratory animal care and use committee, may be utilized for research benefiting a technology commercialization company only pursuant to a sponsored research agreement.
- (11) As a general rule, an individual faculty or staff member should not hold more than twenty-five per cent of the outstanding equity in a technology commercialization company. While significant faculty or staff equity ownership may be inherent in a newly-formed company, it is expected that their ownership interests, as a percentage of the total outstanding shares or membership interests of the company, will decrease as the company develops and attracts additional equity. In order to ensure the observance of this principle, agreements between the university and technology commercialization companies should contain enforceable milestones for the dilution of these equity interests. Failure to comply with these agreed-upon milestones will result in the company's inability to engage in sponsored research, utilize student employees and the other commercialization agreements and/or activities allowed for under this rule.
- (12) Faculty or staff members may not assume the role of principal investigator in sponsored research projects funded by technology commercialization companies in which they have an interest if the projects involve the use of human subjects, or if they are veterinary clinical trials involving the use of animals. In other cases, faculty or staff may assume the role of principal investigator if a formal research integrity plan approved by the technology transfer oversight committee, the conflicts of interest administrator and the office of legal affairs is in place.
- (13) Agreements for sponsored research projects funded by technology commercialization companies must include, at a minimum, a requirement for full university publication rights and fully negotiated cost recoveries. The office of research must approve exceptions to these conditions.
- (14) Faculty and staff participating in technology commercialization companies approved pursuant to these rules continue to be bound by the university policy on patents and copyrights. New inventions and/or discoveries made as a result of a faculty or staff member's research efforts for the company, including those made under formal consulting agreements, will be owned by the university, and the company will be offered an exclusive option to the technology. New inventions and/or discoveries developed by the faculty or staff member for the company must be disclosed to the office of technology licensing as required by the policy on patents and copyrights. (B/T 4/6/2001, B/T 6/29/2001)

Chapter 3335-15

RULES OF THE UNIVERSITY FACULTY MISCELLANEOUS PROVISIONS

Definitions

3335-15-01 The university.

Unless specifically noted, the phrases "the university" and "this university" refer to the basic organization of the educational units of the university as defined by rule 3335-1-05 of the Administrative Code.

Recommendations to board of trustees regarding amendment of rules, regulations and bylaws

3335-15-02 Power to promulgate rules and regulations.

Rules and regulations for the administration and operation of the university may be promulgated, amended, and repealed by the board of trustees upon its own initiative or upon the recommendation of the university faculty or the university senate.

3335-15-03 Authorization to recommend amendment or repeal of rules and regulations.

- (A) The university faculty (either directly or through the university senate) is authorized to recommend through the president to the board of trustees the adoption of detailed rules and regulations for the university faculty. If adopted, these rules shall be called "Rules of the University Faculty" and shall be amended or repealed under the procedures outlined in the "Bylaws of the Board of Trustees."
- (B) The university faculty (either directly or through the university senate) is also authorized to make recommendations through the president to the board of trustees concerning the promulgation, amendment or repeal of the other rules and regulations for the university.

3335-15-04 Authorization to recommend amendment or repeal of "Bylaws of the Board of Trustees."

The university faculty or the university senate is authorized to make recommendations through the president to the board of trustees concerning the amendment or repeal of the "Bylaws of the Board of Trustees."

(AS OF JULY 7, 2006)

Chapter 3335-17

ELECTION BYLAWS OF THE UNIVERSITY SENATE
(Authorized in rule 3335-5-39 of the Administrative Code)

3335-17-01 Administration members.

The twenty-six members from the administration shall consist of the university president, the executive vice president and provost, the senior vice president for business and finance, the senior vice president for research, the eighteen deans of the colleges, the executive dean of the arts and sciences, the executive dean of the regional campuses, the dean of the graduate school, and the director of libraries. (B/T 5/7/2004, B/T 5/6/2005)

Senate revision April 14, 2005

3335-17-02 Elections.

The faculty, professional student, graduate student, and undergraduate student members and alternates of the university senate shall be chosen in the manner prescribed by the appropriate constituency as defined in rule 3335-17-03 of the Administrative Code. All terms of service shall begin in the autumn quarter following election.

Senate revision September 29, 1984
Senate revision December 2, 1989

3335-17-03 Administration and supervision of elections.

The primary responsibility for administering and supervising senate elections shall reside with the faculty council, for the election of faculty members of the senate; council of graduate students, for the election of graduate student members; inter-professional council, for the election of professional student members; and undergraduate student government, for the election of undergraduate student members. Each group shall:

- (A) Propose procedures and regulations for nominations and elections, consistent with these bylaws; the nomination procedure shall include the opportunity for direct nominations by an appropriate number of electors eligible to vote in an election for the office in question.
- (B) Report the results of elections in its constituencies to the senate secretary for certification of senate members. Faculty election results are to be submitted by the tenth of April; other constituencies by the fifteenth of May.
- (C) Take action to ensure that the time and manner of nominations and elections are well publicized so as to provide reasonable notice to those eligible to participate. Any notices referring to the university senate elections shall be conspicuously designated as such.

Senate revision June 2, 1979
Senate revision March 8, 1980
Senate revision December 2, 1989

3335-17-04 Apportionment of faculty members.

- (A) Seventy faculty members shall be apportioned as follows: at least one to represent each of the following faculty constituencies:

College of food, agricultural,
and environmental sciences
College of the arts
College of biological sciences
College of business, the Max
M. Fisher
College of dentistry
College of education and
human ecology
College of engineering
College of humanities
The Michael E. Moritz
college of law
College of mathematical and
physical sciences

College of medicine
College of nursing
College of optometry
College of pharmacy
College of social and
behavioral sciences
College of social work
College of veterinary medicine
OSU Lima campus
OSU Mansfield campus
OSU Marion campus
OSU Newark campus
University libraries
Departments of military science,
naval science, and air force
aerospace studies

- (B) The other faculty members shall be apportioned among the faculty constituencies, such that no more than ten per cent of the total faculty membership of the senate shall be assigned to any one unit listed in paragraph (A) of this rule. The schedule for apportionment shall be reviewed annually and derived from the distribution of regular tenure-track faculty and shall be proposed by the executive committee of the faculty council and approved by the faculty council.
- (C) For the purpose of voting in a senate election, the eligible faculty shall be regular tenure-track faculty and shall vote only in the election of members from the constituency in which they hold their primary appointment. (B/T 6/4/2004, B/T 12/2/2005, B/T 7/7/2006)

Senate revision December 3, 1983
Senate revision September 29, 1984
Senate revision December 2, 1989
Senate revision April 6, 1991
Senate revision April 6, 1996
Senate revision May 13, 2004

3335-17-05 Apportionment of graduate student members.

- (A) Ten graduate student members shall be elected by the council of graduate students in accordance with its bylaws so as to ensure a diverse representation of graduate programs.
- (B) For the purpose of voting for the graduate student delegation to the university senate, each graduate student elector shall be a delegate in the council of graduate students. (BOT 12/5/2003)

3335-17-06 Apportionment of professional student members.

- (A) Five professional student members shall be elected by the inter-professional council senate in accordance with its bylaws so as to ensure a diverse representation of professional colleges.
- (B) For the purpose of voting for the professional student delegation to the university senate, each professional student elector shall be a senator in the inter-professional council. (BOT 12/5/2003)

3335-17-07 Apportionment of undergraduate student members.

- (A) Twenty-six undergraduate student members shall be elected by the undergraduate student government senate in accordance with its bylaws so as to ensure a diverse representation of student interests.

- (B) For the purpose of voting for the undergraduate student delegation to the university senate, each undergraduate student elector shall be a senator in the undergraduate student government senate.

Senate revision October 25, 1980
Senate revision June 2, 1984
Senate revision December 1, 1990
Senate revision April 6, 1996
Senate revision March 6, 1999
Senate revision March 14, 2002
BOT approved December 5, 2003

3335-17-08 Qualifications for membership.

- (A) To be eligible for service as members of the university senate:
- (1) Faculty members shall be on the roster of the regular tenure-track faculty and available for senate service autumn, winter and spring quarters during their elected terms.
 - (2) Graduate, professional and undergraduate student members shall be in good standing and enrolled each quarter (except summer quarter) or semester.
 - (3) Faculty, professional and undergraduate student members shall, at all times including the time of election, be members of the constituency which they were elected to represent. The graduate student senators shall be deemed to represent all graduate students.
- (B) No person shall represent one constituency while serving as a representative of another.
- (C) The requirements for alternate members shall be the same as for members. (B/T 6/4/2004)

Senate adoption June 4, 1977
Senate revision April 29, 1978
Senate revision February 9, 1980
Senate revision January 26, 1985
Senate revision May 13, 2004

3335-17-09 Amendments.

- (A) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these election bylaws following appropriate action on these title changes by the university senate or the board of trustees.
- (B) Additional amendments to these election bylaws shall follow the procedures specified in rule 3335-5-43 of the Administrative Code.

Senate adoption March 8, 1986
Senate revision April 6, 1996

Chapter 3335-19

BYLAWS OF THE UNIVERSITY SENATE (Authorized in rule 3335-5-45 of the Administrative Code)

3335-19-01 Rules of order.

Unless otherwise indicated, all meetings of the senate (throughout these bylaws the word "senate" shall be taken to mean the university senate) shall be conducted in accordance with the latest revision of "Robert's Rules of Order." (B/T 6/7/2005)

3335-19-02 Meetings.

- (A) Regular meetings of the senate shall be held during the autumn, winter, and spring quarters. In the spring quarter each year the program committee shall recommend and the senate shall adopt and publish the schedule of regular meetings for the following academic year. This schedule shall include at least seven meetings spread over the academic year. Scheduled meetings may be cancelled by the program committee when deemed appropriate.
- (B) Special meetings of the senate shall be scheduled upon:
 - (1) Majority vote of senate members present and voting at any meeting, or
 - (2) Call of the president of the university, or
 - (3) Call of the steering committee, or
 - (4) Petition signed by at least twenty-five regular voting members of the senate and presented to the secretary of the university senate.
- (C) If the petition requesting a special meeting specifically requests a meeting at the earliest date and is transmitted with the necessary supporting material for distribution to the membership, then a special meeting shall be called within eight days of receipt of the petition by the secretary of the university senate.
- (D) Written notice of the time and place of the meeting, the order of business, and copies of any substantive proposals shall be sent to all members and alternate members at least seven days prior to the senate meeting.
- (E) At a time of emergency the president shall have authority to call a special meeting without written notice.
- (F) All senate meetings shall be open to the public.

Senate revision April 13, 1985
Senate revision January 30, 1988
Senate revision May 5, 2001

3335-19-03 Agenda.

- (A) Every meeting of the senate shall have an agenda. The agenda shall include the time and place of the meeting, order of business, and copies of any substantive proposals.
- (B) The program committee shall establish the agenda for all regular meetings. For this purpose, the program committee

- (1) Shall receive proposals for senate action or other presentations to the senate from any committee of the senate, or university committee or council, or member of the senate, or any member of the university community.
- (2) Shall refer all substantive proposals for senate action to appropriate committees for review prior to entering them in an agenda, unless the proposal has been generated in such committee and has been so treated.
- (3) Shall, as soon as practicable, include in the agenda of a regular meeting all items submitted by any committee of the senate, or university committee or council, or member of the senate.
- (4) Shall set the agenda so that the scheduled business can be disposed of in a meeting of reasonable duration.
- (5) Shall include with each agenda an estimate of the time necessary to complete the regularly scheduled business of the senate.
- (6) May advise the senate or steering committee of the apparent need for a special meeting.

In special meetings, the specific purpose set by the initiators of the special meetings shall take precedence over all others. Additional agenda items established by the program committee may follow if time permits.

- (C) The secretary of the university senate shall send and make available electronically copies of the agenda for all senate meetings to all members and alternate members at least seven days prior to the meeting.

Senate revision January 30, 1988
Senate revision June 3, 2000

3335-19-04 Order of business.

- (A) The order of business for all meetings shall be as set forth in the agenda, except that the order of business and allocation of time may be altered by an action approved in the meeting. Upon completion of the business described in the agenda, the regular meetings shall proceed in the following order:
 - (1) Unfinished business
 - (2) New business
 - (3) Comments and announcements
 - (4) Adjournment
- (B) A special meeting shall be limited to the purposes stated in its agenda.

3335-19-05 Floor privileges.

Proposals, measures, and resolutions shall be introduced on the senate floor by members of the senate only. Members of the university community who are not members of the senate may be granted the right to speak, but not to vote, on matters before the senate. When a request is made for this privilege, the chair shall ask the senate for objections and, hearing none, shall grant permission to speak. If objections are raised, the privilege shall be extended only by an action of the senate.

3335-19-06 Quorum and voting.

- (A) A simple majority of the voting membership of the senate shall constitute a quorum for the conduct of the senate's business. The same quorum, a simple majority, shall be required of each committee of the senate.
- (B) Action by the senate shall be by a majority of members present and voting and shall normally be by voice vote, except as otherwise required by these rules or by the latest revision of "Robert's Rules of Order."
- (C) When a division of the senate is taken, the chair shall include the division when announcing the results. (B/T 6/7/2005)

Senate Revision April 6, 1991

3335-19-07 Proposals for senate action.

- (A) Proposals for senate action shall be classified as either routine or substantive, and treated accordingly.
- (B) Routine proposals are those that do not establish or alter university policies, such as approval of the minutes or acceptance of reports or appointment of committee personnel, and include the call of a special meeting. Such proposals may be introduced and acted upon in any meeting, subject only to the test of germaneness.
- (C) Substantive proposals are those that establish or alter an academic program of study, or rules or bylaws within the senate's purview. Substantive proposals shall be:
 - (1) Submitted to the program committee in the complete and exact form intended for senate debate and adoption, and shall be processed by the program committee following rule 3335-19-03 of the Administrative Code, except that proposals for presentation at a special meeting need not be submitted to the program committee. If a substantive proposal is referred to a committee by the program committee or by the senate, and any subsequent suggested changes are not acceptable to the originators of the proposal, then the program committee shall place the original proposal and the suggested changes in the same agenda.
 - (2) Sent to all members and alternate members of the senate as part of the agenda at least seven days prior to the meeting.
 - (3) Moved and seconded by members of the senate and then opened for floor debate. The proposal may then be amended, referred to committee in whole or in part, tabled, postponed, divided, and/or adopted or rejected.
 - (a) Amendments offered in floor debate are classified as minor or substantive. A substantive amendment alters the sense or strength of the original proposal. Determination of the status of an amendment is made by ruling of the chair or by vote of the senate. Classification may be made at the time a motion to amend has been made and seconded or after the senate has voted affirmatively in favor of the motion to amend.
 - (b) If a motion from the floor is passed and is declared to be substantive, it cannot become effective until the next meeting of the senate. At that time it must be reconsidered, unless the committee which submitted the original proposal has requested a continuation from the program committee. In case of a continuation, the program committee shall, as soon as practicable, place the amendment on the agenda for reconsideration. The committee which submitted the original proposal shall be afforded the opportunity to present arguments against the amendment or

to move substitute language for the amendment at the time of reconsideration. If substitute language is approved by the senate, the amendment as modified will become effective at that time. If substitute language is defeated or is not presented, the senate shall vote on reaffirmation of the amendment in the form originally passed except for possible changes of a purely editorial nature. The amendment may be reaffirmed and become effective at that time or it may be defeated. (This section may be set aside by a successful motion to suspend the bylaws of the senate as prescribed in paragraph (C) of rule 3335-19-13 of the Administrative Code.)

- (D) Substitute statements or suggested amendments which are included in an original proposal and distributed in an agenda shall each be acted upon as a substantive proposal.
- (E) Substitute statements or suggested amendments proposed by any senate or university committee or by any member of the senate, shall be received by the program committee and shall be scheduled in the same agenda as the original proposal.
- (F) Prior to a senate vote a proposal that establishes or alters rules or bylaws within the senate's purview shall be reviewed by the rules committee, which may recommend changes in accordance with paragraph (B)(4) of rule 3335-5-47.3 of the Administrative Code.

Senate revision November 13, 1982
Senate revision December 6, 1986
Senate revision April 4, 1987
Senate revision May 5, 2001

3335-19-08 Reports.

- (A) Any member(s) of any committee of the senate may report on any matter before the committee. A report by a minority of one may be denied a hearing by vote of two-thirds of the members of the senate present. A majority of the members of the senate present and voting may require a standing committee to report at the next regular meeting of the senate.
- (B) Written notification of intent to present a report shall be submitted to the program committee at least twelve days preceding the senate meeting. The program committee shall decide whether a written report is required to be included with the senate agenda mailing.
- (C) Reports on which no senate action other than acceptance is requested, may be distributed with the agenda and presented by the secretary of the university senate by reporting the title, source, and date of receipt. If an oral presentation of a written report is to be made at the senate meeting, such oral presentation shall be limited to a short summary of the written report and to responses to questions concerning the report from members of the senate.
- (D) Reports for which written versions are not required by the program committee may be included on the senate agenda. The secretary of the university senate shall be provided with a written synopsis when the report is presented.

Senate revision April 12, 1980
Senate revision June 7, 1980

3335-19-09 Office of the university senate.

There shall be a permanent office of the university senate, administered by the secretary of the university senate, to facilitate the orderly conduct of the meetings of the senate and the work of the committees of the senate. The office shall also be responsible for maintaining liaison between the senate and university committees. The staff shall consist of the secretary of the university senate and at least one full-time recording secretary.

3335-19-10 Attendance.

Members of the senate shall attempt to avoid conflicts between their academic schedule and the meetings of the senate and related committees. In the event of unavoidable conflict, it is expected the members will choose that resolution most favorable to their academic obligations. All members are expected to arrange for attendance by an alternate member at those senate meetings the member is unable to attend.

3335-19-11 Minutes and reports of senate meetings.

- (A) Official minutes of the senate meetings shall be taken and kept by the secretary of the university senate. A secretary's report of action taken at each meeting of the senate shall be sent to all members and alternate members after each meeting, and approved by senate action in a subsequent meeting.
- (B) The official record and minutes of all senate meetings shall be those "Secretary's Reports on Actions of the Senate," together with the appropriate supporting and reference documents, as have been submitted to and accepted by the senate. The secretary shall also have taken and have preserved, for reference purposes, verbatim electronic sound recordings of all proceedings in senate meetings.

Senate revision January 30, 1988

3335-19-12 Transmittal and record of senate actions.

- (A) The secretary of the university senate shall transmit the results of senate actions to the president, board of trustees, and other appropriate agencies.
- (B) The secretary shall maintain and periodically communicate to the members and alternate members of the senate and to the university faculty a record of those actions of the senate having continuing effect, and not published in the "Rules of the University Faculty."
 - (1) At least once each year the secretary shall send a summary of such actions to all members and alternate members of the senate.
 - (2) A permanent record of such actions shall be maintained in the office of the university senate. This record shall be available for review by any member of the university community.

Senate revision November 13, 1982

Senate revision June 6, 1987

3335-19-13 Amendments and suspensions.

- (A) These bylaws may be amended as provided for in rule 3335-5-45 of the Administrative Code. Such proposals shall be substantive proposals (Rule 3335-19-07 of the Administrative Code) and shall be introduced in the agenda of a regular or special meeting.
- (B) The secretary of the university senate, with the concurrence of the rules committee, is entrusted to make non-substantive emendations in diction and grammar, and is authorized

to change titles of administrative offices, administrative officers, academic units, or student constituent groups in these bylaws following appropriate action on these title changes by the senate or the board of trustees.

- (C) These bylaws may be suspended for a single and designated purpose. A proposal to suspend a provision of the bylaws may be introduced and acted upon in the same meeting, as a routine proposal, provided that the suspension shall be germane to only one specific proposal, and the suspension is affirmed by a two-thirds vote.

Senate adoption October 9, 1976

Amended May 20, 1978

Amended March 8, 1986

Amended May 3, 1996

(AS OF DECEMBER 7, 2007)

Chapter 3335-23

CODE OF STUDENT CONDUCT

3335-23-01 Introduction and purpose.

The code of student conduct is established to foster and protect the core missions of the university, to foster the scholarly and civic development of the university's students in a safe and secure learning environment, and to protect the people, properties and processes that support the university and its missions. The core missions of the university are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the university are central to these missions.

3335-23-02 Jurisdiction.

The code applies to the on-campus conduct of all students and registered student organizations. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

- (A) Academic course requirements or any credit bearing experiences, such as internships, field trips, study abroad or student teaching;
- (B) Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
- (C) Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
- (D) Any activity that causes substantial destruction of property belonging to the university or members of the university community or causes serious harm to the health or safety of members of the university community; or
- (E) Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

The code governs all campuses of the university, however, students attending at regional campuses and the agricultural technical institute are advised to consult their local campus publications for additional information or rules pertaining to those campuses, which may create hearing boards or processes for the campus, consistent with these rules.

The university reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

Students continue to be subject to city, state, and federal laws while at the university, and violations of those laws may also constitute violations of the code. In such instances, the university may proceed with university disciplinary action under the code independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the code even if such criminal proceeding is not yet resolved or is resolved in the student's favor. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-03 Definitions.

As used in the code, the term "university premises" means all lands, buildings, and facilities owned, leased, or operated by the university. The term "student" means an individual who has paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the university to take instruction. It further includes persons who are eligible to

receive any of the rights and privileges afforded a person who is enrolled at the university, including, but not limited to, those individuals admitted to the university and attending orientation programs. Student status lasts until an individual graduates, is dismissed, or is not in attendance for two complete, consecutive quarters. The term "student" also includes registered student organizations. The term "members of the university community" includes, but is not limited to, students, faculty, staff, and visitors to the campus. The term "complaint" means a written statement, alleging a violation of the code of student conduct or other published rule applicable to students at the university, provided to an authorized university official, per paragraph (A) of rule 3335-23-05 of the Administrative Code. Information submitted by other means will be reviewed and may, at the university's discretion, be acted upon but will not be treated as a formal complaint. The term "crime of violence" means the following offenses as stated in division (A)(9) of section 2921.01 of the Revised Code in effect on the date this rule is adopted: aggravated murder; murder; voluntary manslaughter; involuntary manslaughter; felonious assault; aggravated assault; assault; aggravated menacing; menacing by stalking; kidnapping; abduction; extortion; rape; sexual battery; gross sexual imposition; aggravated arson; arson; aggravated robbery; robbery; aggravated burglary; inciting to violence; aggravated riot; inducing panic; domestic violence; intimidation; intimidation of an attorney, victim, or witness in a criminal case; escape; improperly discharging a firearm at or into a habitation or school; burglary; felonious sexual penetration; or conspiracy or attempt to commit or complicity in committing any of the foregoing offenses. Crime of violence also means offenses under the laws of another jurisdiction that are substantially equivalent to the offenses listed in this division. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-04 Prohibited conduct.

Any student found to have engaged, or attempted to engage, in the following conduct while within the university's jurisdiction, as set forth in rule 3335-23-02 of the Administrative Code, will be subject to disciplinary action by the university. For the purposes of this section, attempt shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct. Any student who abandons an attempt or prevents the prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct will not be subject to disciplinary action by the university.

(A) Academic misconduct.

Any activity that tends to compromise the academic integrity of the university, or subvert the educational process. Examples of academic misconduct include, but are not limited to:

- (1) Violation of course rules as contained in the course syllabus or other information provided to the student; violation of program regulations as established by departmental committees and made available to students;
- (2) Knowingly providing or receiving information during examinations such as course examinations and candidacy examinations; or the possession and/or use of unauthorized materials during those examinations;
- (3) Knowingly providing or using assistance in the laboratory, on field work, in scholarship or on a course assignment;
- (4) Submitting plagiarized work for an academic requirement. Plagiarism is the representation of another's work or ideas as one's own; it includes the unacknowledged word-for-word use and/or paraphrasing of another person's work, and/or the inappropriate unacknowledged use of another person's ideas;
- (5) Submitting substantially the same work to satisfy requirements for one course or academic requirement that has been submitted in satisfaction of requirements for another course or academic requirement, without permission of the instructor of the course for which the work is being submitted or supervising authority for the academic requirement;

- (6) Falsification, fabrication, or dishonesty in creating or reporting laboratory results, research results, and/or any other assignment;
- (7) Serving as, or enlisting the assistance of a substitute for a student in the taking of examinations;
- (8) Alteration of grades or marks by the student in an effort to change the earned grade or credit;
- (9) Alteration of academically-related university forms or records, or unauthorized use of those forms or records; and
- (10) Engaging in activities that unfairly place other students at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system.

(B) Endangering health or safety.

- (1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, whether intentionally or as a result of recklessness or gross negligence.
- (2) Stalking: Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action.

(C) Sexual misconduct.

Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, including but not limited to:

- (1) Non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object, by any person upon any person without consent.
- (2) Non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object, by any person upon any person without consent.
- (3) Sexual exploitation, defined as taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing an STD or HIV to another student without the knowledge of the student.
- (4) Sexual harassment, as defined in applicable university policy.
- (5) Indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner, in public or in private premises, when the accused may be readily observed.

For the purposes of this rule, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously substantially impaired by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.

(D) Destruction of property.

Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.

(E) Dangerous weapons or devices.

Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms, ammunition or fireworks, unless authorized by an appropriate university official or permitted by a university policy, even if otherwise permitted by law.

(F) Dishonest conduct.

Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making false accusation of misconduct; misuse or falsification of university documents by actions such as forgery, alteration, or improper transfer; submission to a university official of information known by the submitter to be false.

(G) Theft/unauthorized use of property.

Theft or attempted theft, or the unauthorized use or possession of university property or services, or the property of others.

(H) Failure to comply with university or civil authority.

Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

(I) Drugs.

Use, production, distribution, sale, or possession of drugs in a manner prohibited under law.

(J) Alcohol.

Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy.

(K) Unauthorized presence.

Unauthorized entrance to or presence in or on university premises.

(L) Disorderly or disruptive conduct.

Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

(M) Hazing.

Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

(N) Judicial system abuse.

Abuse of any university judicial system, including but not limited to:

- (1) Failure to obey the summons or directives of a judicial body or university official;
- (2) Falsification, distortion, or misrepresentation of information before a judicial body;
- (3) Disruption or interference with the orderly conduct of a judicial proceeding;
- (4) Institution of a judicial proceeding knowingly without cause;
- (5) Attempting to discourage an individual's proper participation in, or use of, a university judicial system;
- (6) Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of a judicial proceeding;
- (7) Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding;
- (8) Failure to comply with one or more sanctions imposed under the code of student conduct; and
- (9) Influencing or attempting to influence another person to commit an abuse of a university judicial system.

(O) Violation of university rules.

Violation of other published university regulations, policies, or rules, or violations of federal, state, or local law. These university regulations, policies, or rules include, but are not limited to, those which prohibit the misuse of computing resources, sexual harassment, rules for student groups or organizations, and residence hall rules and regulations.

(P) Riotous behavior.

- (1) Participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property.
- (2) Proscribed behavior in the context of a riot includes, but is not limited to:
 - (a) Knowingly engaging in conduct designed to incite another to engage in riotous behavior; and
 - (b) Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard; and
 - (c) Failing to comply with a directive to disperse by university officials, law enforcement or emergency personnel; and
 - (d) Intimidating, impeding, hindering or obstructing a university official, law enforcement or emergency personnel in the performance of their duties.
- (3) This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.

(Q) Recording of images without knowledge.

Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior

knowledge, when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited. (B/T 3/2/2001, B/T 7/11/2003, B/T 7/7/2006, B/T 12/7/2007)

JUDICIAL PROCEDURES

3335-23-05 Initiation and investigation of code violations.

(A) Initiation.

Person(s) witnessing or experiencing what they believe to be a possible code violation should provide an authorized university official with the information. Information and/or complaints about possible code violations occurring in residence halls should be provided to the residence hall director. Information and/or complaints about possible non-residence hall related code violations should be provided to the director of student judicial affairs, or chief judicial officer for the regional campuses. Information and/or complaints regarding academic misconduct should be referred to the coordinator of the committee on academic misconduct. In cases where the alleged activity may involve a violation of criminal law in addition to a violation of the code, information and/or complaints should be provided to the Ohio state university police or other appropriate law enforcement agency. The university will review all information and/or complaints received and may conduct a preliminary investigation of the alleged violation.

(B) Investigation.

The Ohio state university police or other appropriate law enforcement agency shall have primary responsibility for the investigation of acts that involve suspected violation of federal, state, local laws or applicable university policies. Residence hall directors, assistant hall directors, the director of student judicial affairs, the chief judicial officer for the regional campuses, and other designated university personnel are authorized to investigate alleged violations other than those involving academic misconduct. The coordinator of the committee on academic misconduct is authorized to investigate allegations involving academic misconduct. During the investigation, the student allegedly involved in misconduct may be sent a letter describing the alleged violation, requesting the student to make an appointment to discuss the matter, and specifying a date by which the appointment must be made. Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with such a request to make and keep such an appointment may result in a disciplinary hold being placed on a student's registration and records and/or the initiation of charges for judicial system abuse. Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to, taking no further action, deferring further action with or without conditions, or initiating charges with the appropriate university judicial body. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-06 Filing of complaint and initiation of charges.

A written complaint alleging a violation of the code of student conduct must be filed with the university as soon as practicable following the discovery of the alleged violation. Absent extraordinary circumstances, the written complaint must be filed within six months for cases of non-academic misconduct (paragraphs (B) through (Q) of rule 3335-23-04 of the Administrative Code), and one month for academic misconduct (paragraph (A) of rule 3335-23-04 of the Administrative Code), from the date upon which a university official becomes aware of the alleged violation and identifies the student(s) who allegedly committed the violation. Absent extraordinary circumstances, the university must initiate charges, if any, within one year of the filing of the complaint. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-07 Notice of charges.

Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by email to the accused student's official university email address, which will direct the student to view the notice on a secure website, or by mail to the accused student's local or permanent address on file in the office of the university registrar. All students are required to maintain an accurate and current local and permanent address with the university registrar.

Following notification of charges, students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university judicial process and discussion of the charges. Failure of the accused student to respond to the initiation of charges or schedule a preliminary meeting shall in no way prevent the university from scheduling and conducting a hearing in the absence of the accused student. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-08 Administrative decision.

In all cases, a student charged with one or more violations of the student code has the right to a hearing. However, in a case where a charged student admits such violations in writing, the student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer, panel or board for a hearing. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing officer, panel or board hearing. Administrative decisions involving graduate students are to be made in consultation with the graduate school. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the offense committed. (B/T 3/2/2001, B/T 7/7/2006, 12/7/2007)

3335-23-09 Notice of hearing.

If a hearing is to be held, written notification will be provided. The notice may be hand delivered, placed into a student's residence hall mailbox, sent by email to the accused student's official university email address, which will direct the student to view the notice on a secure website, or mailed to the last known address of the student, either by certified mail or first class mail, no fewer than ten calendar days prior to the hearing. Unless already provided to the student, the notification will include the charges, date, time, and location of the hearing, the designated hearing officer or panel, a statement of the student's rights, and information on the hearing procedures. The accused student may request a postponement for reasonable cause or a hearing separate from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale and be received by the person sending the hearing notification at least two business days before the scheduled hearing. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-10 Hearing procedures.

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- (A) Attendance at hearings is limited to those directly involved or those requested by the hearing officer or panel to attend. The hearing officer or panel will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
- (B) The accused student may have an advisor throughout the hearing. The advisor may only counsel the student and may not actively participate in the hearing, unless clarification is needed as determined by the hearing officer or panel.

- (C) The accused may submit a written statement, may invite relevant fact witnesses to attend, may invite character witnesses to submit written statements, may as approved in advance by the hearing officer invite character witnesses to testify in person, may ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must also submit a list of potential witnesses, and identify those who are character witnesses only, to the hearing officer at least two business days prior to the hearing. The university may present witnesses as well as question those presented by the accused.
- (D) Written statements may be used for a fact witness (i.e., not a character witness) if, for good reason, a fact witness cannot attend the hearing.
- (E) In cases requiring special expertise, the panel coordinator may appoint individuals with appropriate expertise to serve as consultants to the panel. The consultants may be present and provide information as called upon during the hearing but will not vote.
- (F) Students are entitled to a presumption of innocence. Therefore, a student will not be found in violation unless a preponderance of evidence supports the charge(s). In the event of a tie, the panel will continue to deliberate. If after the panel determines that exhaustive deliberations have occurred and a majority decision is not reached the student will be found not in violation.
- (G) In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline. (B/T 3/2/2001, B/T 7/11/2003, B/T 12/7/2007)

3335-23-11 Attendance.

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused is expected to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges. (B/T 3/2/2001)

3335-23-12 Record of proceedings.

A single record consisting of written notes, tape recording, or other method selected by the hearing panel or officer, will be made of all hearings. Such record will remain the property of the university but will be made available to the accused for review during the appeal period. A written notice of the decision and, if found in violation, information regarding appeal procedures will be provided to the accused student. (B/T 3/2/2001)

3335-23-13 Hearing bodies.

In addition to the committee on academic misconduct, student conduct boards for university housing, and the university judicial panel, the director of student judicial affairs, hearing officers within the office of student judicial affairs, the coordinator of the committee on academic misconduct, and university housing professional staff are to be considered as official university hearing officers, and may hear cases of alleged violations of the code affording accused students the same procedural guarantees as provided in hearings by a panel, committee, or board. Absent special circumstances, students will be afforded the right to choose an administrative or panel hearing. When necessary to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue. The accused student has the right to accept responsibility for the charges, which will result in an administrative decision, or choose to have a

hearing. Students will generally be afforded the right to choose an administrative or panel hearing, except under special circumstances where, in order to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-14 Committee on academic misconduct.

- (A) The coordinator for the committee shall investigate or establish procedures for investigation of all reported cases of student academic misconduct that fall under the committee's jurisdiction. The committee does not hear cases involving academic misconduct in professional colleges having a published honor code. These colleges shall follow their own codes and procedures which can be obtained in their respective central offices. Some allegations against graduate students that fall under the committee's jurisdiction may also implicate the university's interim policy and procedures concerning misconduct in research or scholarly activities and/or the graduate school's "Guidelines for the Review and Investigation of Allegations of Scholarly Misconduct by Graduate Students." Upon receipt of such an allegation, the coordinator shall meet with the dean of the graduate school or designee, and/or the senior vice president for research or designee, and these parties shall mutually agree on the appropriate procedure for adjudicating the case. Notice of this decision and a description of the procedure to be used shall promptly be given to the student who has been charged. The coordinator or committee may refer complaints to the office of student judicial affairs if it is determined that the academic misconduct allegation is incidental to some other misconduct.
- (B) The committee on academic misconduct is constituted according to rule 3335-5-48.7 of the Administrative Code.
- (C) All complaints of academic misconduct shall be reported to the coordinator of the committee.
- (D) Students have an obligation to report suspected misconduct.
- (E) A quorum for a hearing shall be no fewer than four voting members of the committee which shall include no fewer than one student member and two faculty members.

For cases involving graduate students, reasonable efforts will be made to have graduate students serve as the student members of the hearing committee. (B/T 3/2/2001, B/T 7/7/2006)

3335-23-15 Student conduct boards for university housing.

The boards may only hear only those cases that occur within university housing, whether committed by residents or nonresidents. The boards are composed of students living in university housing, and may initiate any sanction with the exception of suspension or dismissal. If it appears during the hearing, to the board or to the board advisor, that the violation may be serious enough to warrant suspension or dismissal, the board will adjourn and refer the case back to the hearing officer for referral to the office of student judicial affairs. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-16 University judicial panel.

The university judicial panel is responsible for adjudicating allegations of non-academic misconduct referred by the director of student judicial affairs, except for cases involving violations of professional college codes. The panel consists of:

- (A) Fifteen faculty and/or administrative members recommended by the director of student judicial affairs to the vice president for student affairs for three-year terms which begin with the autumn quarter;

- (B) Twelve undergraduate student members, appointed by the undergraduate student government;
- (C) Six graduate student members, appointed by the council of graduate students;
- (D) Two professional student members, appointed by the inter-professional council; and
- (E) The director of student judicial affairs or designee shall serve as panel coordinator ex-officio without vote.
- (F) A quorum for a hearing shall be no fewer than four voting members of the panel which shall include no fewer than two student members.

All student appointments shall be for two-year terms staggered, beginning in the autumn quarter. Six of the undergraduate student members, three of the graduate student members, and one of the professional student members shall be appointed in odd-numbered years, with the remainder appointed in even-numbered years. To be eligible for appointment, a student must possess a minimum 2.5 cumulative grade point average and be under no current disciplinary sanction from the university. The director of student judicial affairs may remove university judicial panel members for cause, including but not limited to, not attending training, repeated absences, violating the code of student conduct or other applicable laws or policies, or not responding to repeated attempts at communication. Notification shall be made in writing to the university judicial panel member prior to removal, whenever possible. (B/T 3/2/2001, B/T 12/7/2007)

UNIVERSITY SANCTIONS

3335-23-17 General guidelines for sanctions.

Sanctions should be commensurate with the violation(s) found to have occurred. In determining the sanction(s) to be imposed, the hearing officer or panel should take into account any mitigating circumstances and any aggravating factors including, but not limited to, any provocation by the subject of the conduct that constituted the violation, any past misconduct by the student, any failure of the student to comply fully with previous sanctions, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Misconduct, other than constitutionally protected expression, motivated by bias based on age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status may be considered an aggravating factor for sanctioning. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor. In determining the sanctions to be imposed on graduate students who have violated the code, the hearing officer or panel should be guided by the "Graduate Student Code of Research and Scholarly Conduct." One or more of the following courses of action may be taken when a student has been found to have violated the code of student conduct.

- (A) Informal admonition.

An oral or written admonition issued by a hearing officer or residence hall advisor resulting from the student's misconduct. No formal charges, hearing or other compliance with the code is required before the issuance of an informal admonition. However, following issuance of an informal admonition, the student shall be entitled to a hearing upon written request, under the procedures provided in the code of student conduct. A written request for such a hearing must be filed with the university official who administered the informal admonition, within five working days of the student's receipt of the informal admonition. An informal admonition shall not be considered a disciplinary sanction, but may be considered in any subsequent hearings.

- (B) Disciplinary sanctions.

(1) Formal reprimand.

A written letter of reprimand resulting from a student's misconduct.

(2) Disciplinary probation.

This probationary condition is in effect for a specified period of time and may involve the loss of specified privileges. Further violation of university policies during the probationary period will be viewed not only as a violation based upon the act itself but also as a violation of the probation, which shall result in further action up to and including suspension or dismissal.

(3) Suspension.

Suspension is a sanction that terminates the student's enrollment at the university for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.

(4) Dismissal.

Dismissal is a sanction which permanently separates a student from the university without opportunity to re-enroll in the future.

(C) Conditions of suspension and dismissal.

A student who has been dismissed or suspended from the university shall be denied all privileges afforded a student and shall be required to vacate campus at a time determined by the hearing officer or panel. In addition, after vacating campus property, a suspended or dismissed student may not enter upon campus and/or other university property at any time, for any purpose, in the absence of express written permission from the vice president for student affairs or designee. To seek such permission, a suspended or dismissed student must file a written petition to the vice president for student affairs for entrance to the campus for a limited, specified purpose or to have the terms of this condition modified or reduced.

(D) Failing or lowered grades.

In cases of academic misconduct, a hearing officer or panel may authorize the instructor to award a failing or lowered grade in the course, a loss of credit on the assignment or examination, and impose any of the above-listed sanctions including suspension or dismissal from the university.

(E) Other sanctions.

Other appropriate sanctions may be imposed by a hearing officer or panel singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, making restitution for property damage or misappropriation of university property or services, or the property of any person, residence hall contract termination or reassignment to another room, restriction of access to specified campus facilities and/or property, research assignments, community service projects, special workshop participation, and/or referral to medical resources or counseling personnel. (B/T 3/2/2001, B/T 7/7/2006, B/T 12/7/2007)

APPEAL PROCESS

3335-23-18 Appellate process.

(A) Right to appeal.

A student found to have violated this code has the right to appeal the original decision. An appeal of a decision must be submitted in writing and postmarked or hand delivered to the appropriate appeal officer, as provided below, within ten calendar days after the date on which written notice of the decision is sent to the student. Each student shall be limited to one appeal. The decision of the appeal officer is final.

(B) Grounds for appeal.

An appeal may be based only upon one or more of the following grounds:

- (1) Procedural error;
- (2) Misapplication or misinterpretation of the rule alleged to have been violated;
- (3) Findings of facts not supported by a preponderance of evidence.
- (4) Discovery of substantial new facts that were unavailable at the time of the hearing; and
- (5) That the disciplinary sanction imposed is grossly disproportionate to the violation committed.

(C) Appropriate appeal officers.

(1) Appeals from residence hall hearings:

- (a) All appeals from residence hall hearings other than contract terminations, shall be submitted to the director of residence life or designee.
- (b) All appeals where the sanction imposed by the residence hall hearing is contract termination shall be submitted to the director of student judicial affairs or designee.

(2) Appeals from a judicial affairs hearing officer's decision or from the university judicial panel's decision will be submitted for decision to the vice president for student affairs or designee.

(3) Appeals from decisions of the coordinator of academic misconduct or the committee on academic misconduct will be submitted for decision to the executive vice president and provost or designee.

(D) Appeal proceedings.

- (1) The appeal officer shall dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraph (B) of this rule.
- (2) The appeal officer may decide the appeal based upon a review of the record.
- (3) The appeal officer may request additional written information or an oral presentation from any relevant person(s) and then decide the appeal based upon the enhanced record.

(E) Possible dispositions by the appeal officer.

The appeal officer may, after a review of the record, uphold the original sanction, dismiss the original sanction, or impose a lesser sanction. An appeal officer may also remand the case to the original hearing body or refer the case to a new hearing officer or panel to be reheard. If possible, a new hearing officer or panel should be different from the one that originally decided the case. If a case is reheard by a hearing officer or panel, the sanction

imposed can be greater than that imposed at the original hearing. (B/T 3/2/2001, B/T 12/7/2007)

3335-23-19 Minor deviations from procedure.

A student and hearing officer may agree in advance to minor deviations from procedure. Such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be unreasonably harmful to the student. (B/T 3/2/2001)

3335-23-20 Interim suspension.

When the vice president for student affairs or designee has reasonable cause to believe that the student's presence on university premises or at a university-related or registered student organization activity poses a significant risk of substantial harm to the health or safety of others or to property, the student may be immediately suspended from all or any portion of university premises, university-related activities or registered student organization activities, and is not permitted to participate in, or complete academic coursework. This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of the Ohio state university. The student may, within three working days of the imposition of the suspension, petition the vice president for student affairs for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the vice president for student affairs or designee. (B/T 3/2/2001, B/T 7/11/2003)

3335-23-21 Administrative disenrollment and other restrictions.

(A) A student may be disenrolled from the university; prohibited from all or any portion of university premises, university-related activities or registered student organization activities; and/or permitted to remain only under specified conditions when the vice president for student affairs or designee finds that there is clear and convincing evidence that:

- (1) The student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property; or
- (2) The student, as a direct result of an apparent health condition, is engaged in substantial, continuing disruption of teaching, learning, research, administration or other university-related activities.

Before making such a determination, the vice president for student affairs or designee shall notify the student in writing of the reasons that disenrollment or other action is being considered, provide the student with an opportunity to respond, and consult with appropriate university personnel. The vice president for student affairs or designee may also consult with any other persons whom the vice president for student affairs or designee deems appropriate under the circumstances.

(B) In those cases under paragraph (A)(1) of this rule in which it appears that the risk posed by the student is a result of a health condition or a disability as defined by the Americans with Disabilities Act, and in all cases under paragraph (A)(2) of this rule, the vice president for student affairs or designee shall also determine whether the risk or disruption can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is made. The vice president for student affairs or designee may request the student to undergo an appropriate examination, as specified by the vice president for student affairs or designee, to determine whether any such condition exists and whether any such accommodation is possible. If the student fails to undergo such an examination, and if the other available evidence supports a finding under either paragraph (A)(1) or (A)(2) of this rule, the vice president for student affairs or designee shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.

(C) A student who has been disenrolled; prohibited from university premises, university-related activities or registered student organization activities; or permitted to remain only under specified conditions may petition the vice president for student affairs for revision of that status. The petition must include supporting documentation or evidence that:

- (1) The conditions found to have existed under paragraph (A)(1) or (A)(2) of this rule no longer exist and will not recur, and
- (2) The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll.

Upon receipt of such a petition, the vice president for student affairs or designee shall evaluate the evidence and may consult with the student, any appropriate university personnel, and any other persons whom the vice president for student affairs or designee deems appropriate. The vice president for student affairs or designee may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition. In the event of a negative determination by the vice president of student affairs, the student may request to have the decision reviewed by the executive vice president and provost. (B/T 3/2/2001, B/T 12/6/2001)

3335-23-22 Authority section.

The bylaws of the university board of trustees and rules of the university faculty provide that the university president shall have the final responsibility and authority for the discipline of all students of the university (see paragraph (A) of rule 3335-11-01 of the Administrative Code). This responsibility and authority has been delegated by the president to the vice president for student affairs, whose office is also charged with responsibility for promulgation of rules governing student conduct (see paragraph (H) of rule 3335-1-03 of the Administrative Code).

The deans of colleges and of the graduate school, the directors of schools, and the chairpersons of departments, respectively, are responsible to the president through regular disciplinary channels for the discipline of all students in the activities of their respective colleges, schools, and departments (see paragraph (B) of rule 3335-11-01 of the Administrative Code). Likewise, the deans and directors of the regional campuses are responsible to the president through the executive vice president and provost for the discipline of all students in the activities of their respective campuses.

The Ohio state university code of student conduct is an official publication of the university board of trustees. All petitions for revision and amendment of this code of student conduct should be submitted through the office of the vice president for student affairs. Proposed revisions to the code shall be reviewed, in draft form, by the office of the president, the office of academic affairs, and the steering committee of the university senate before being presented for approval to the university senate by the council on student affairs. No revision shall become effective unless approved by the university board of trustees and until printed notice of such revisions is made available to students. (B/T 3/2/2001)